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COMMUNISM IN THE NEW YORK AREA

(ENTERTAINMENT)

HEARINGS

BEFORE THE

COMMITTEE ON UN-AMERICAN ACTIVITIES

HOUSE OF REPRESENTATIVES

EIGHTY-FIFTH CONGRESS

SECOND SESSION

JUNE 18 AND 19, 1958
MAY 8, 1958, AND APRIL 1, 1957

Printed for the use of the Committee on Un-American Activities

INCLUDING INDEX



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COMMITTEE ON UN-AMERICAN ACTIVITIES

UNITED STATES HOUSE OF REPRESENTATIVES

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¹ Released by the committee and ordered to be printed.

PUBLIC LAW 601, 79TH CONGRESS

The legislation under which the House Committee on Un-American Activities operates is Public Law 601, 79th Congress [1946], chapter 753, 2d session, which provides:

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, * * **

PART 2—RULES OF THE HOUSE OF REPRESENTATIVES

RULE X

SEC. 121. STANDING COMMITTEES

* * * * *
17. Committee on Un-American Activities, to consist of nine Members.

RULE XI

POWERS AND DUTIES OF COMMITTEES

* * * * *
(q) (1) Committee on Un-American Activities.
(A) Un-American activities.
(2) The Committee on Un-American Activities, as a whole or by subcommittee, is authorized to make from time to time investigations of (i) the extent, character, and objects of un-American propaganda activities in the United States, (ii) the diffusion within the United States of subversive and un-American propaganda that is instigated from foreign countries or of a domestic origin and attacks the principle of the form of government as guaranteed by our Constitution, and (iii) all other questions in relation thereto that would aid Congress in any necessary remedial legislation.

The Committee on Un-American Activities shall report to the House (or to the Clerk of the House if the House is not in session) the results of any such investigation, together with such recommendations as it deems advisable.

For the purpose of any such investigation, the Committee on Un-American Activities, or any subcommittee thereof, is authorized to sit and act at such times and places within the United States, whether or not the House is sitting, has recessed, or has adjourned, to hold such hearings, to require the attendance of such witnesses and the production of such books, papers, and documents, and to take such testimony, as it deems necessary. Subpenas may be issued under the signature of the chairman of the committee or any subcommittee, or by any member designated by any such chairman, and may be served by any person designated by any such chairman or member.

* * * * *

RULE XII

LEGISLATIVE OVERSIGHT BY STANDING COMMITTEES

SEC. 136. To assist the Congress in appraising the administration of the laws and in developing such amendments or related legislation as it may deem necessary, each standing committee of the Senate and the House of Representatives shall exercise continuous watchfulness of the execution by the administrative agencies concerned of any laws, the subject matter of which is within the jurisdiction of such committee; and, for that purpose, shall study all pertinent reports and data submitted to the Congress by the agencies in the executive branch of the Government.

RULES ADOPTED BY THE 85TH CONGRESS

House Resolution 5, January 3, 1957

* * * * *

RULE X

STANDING COMMITTEES

1. There shall be elected by the House, at the commencement of each Congress,

* * * * *

(q) Committee on Un-American Activities, to consist of nine Members.

* * * * *

RULE XI

POWERS AND DUTIES OF COMMITTEES

* * * * *

17. Committee on Un-American Activities.

(a) Un-American activities.

(b) The Committee on Un-American Activities, as a whole or by subcommittee, is authorized to make from time to time investigations of (1) the extent, character, and objects of un-American propaganda activities in the United States, (2) the diffusion within the United States of subversive and un-American propaganda that is instigated from foreign countries or of a domestic origin and attacks the principle of the form of government as guaranteed by our Constitution, and (3) all other questions in relation thereto that would aid Congress in any necessary remedial legislation.

The Committee on Un-American Activities shall report to the House (or to the Clerk of the House if the House is not in session) the results of any such investigation, together with such recommendations as it deems advisable.

For the purpose of any such investigation, the Committee on Un-American Activities, or any subcommittee thereof, is authorized to sit and act at such times and places within the United States, whether or not the House is sitting, has recessed, or has adjourned, to hold such hearings, to require the attendance of such witnesses and the production of such books, papers, and documents, and to take such testimony, as it deems necessary. Subpenas may be issued under the signature of the chairman of the committee or any subcommittee, or by any member designated by any such chairman, and may be served by any person designated by any such chairman or member.

* * * * *

26. To assist the House in appraising the administration of the laws and in developing such amendments or related legislation as it may deem necessary, each standing committee of the House shall exercise continuous watchfulness of the execution by the administrative agencies concerned of any laws, the subject matter of which is within the jurisdiction of such committee; and, for that purpose, shall study all pertinent reports and data submitted to the House by the agencies in the executive branch of the Government.

SYNOPSIS

Public hearings held in New York on June 18 and 19, 1958, were a continuation of a long series the committee has held on Communist influence in an important phase of American life. Nearly all the witnesses called in these hearings were actively engaged in the entertaining arts—primarily the theater and the fields of radio and television.

As pointed out in the chairman's opening statement, the witnesses' field of employment was important to the committee only as a by-product of their present or recent membership in the Communist Party and their consequent knowledge of Communist Party operations in this country, particularly in entertainment media. Had these persons lacked information which flowed from their Communist Party membership, they would have been of no interest to the committee.

The hearings made it clear that the entertainment industry is still a special target for Communist infiltration. Nineteen witnesses testified in them. One witness invoked the first amendment in refusing to answer questions about his membership in the Communist Party. The other 17 witnesses all invoked the fifth amendment. The only cooperative witness was John Lautner, a former official of the Communist Party who has given valuable testimony to various governmental agencies since his break with the party in 1950.

In most cases, the firms which employed the witnesses who appeared in these hearings had no knowledge of their subversive backgrounds. This does not mean the employers were not concerned about the problem of Communist infiltration, nor does it mean that they had made no effort to check the background of their employees. It means simply that a private business is not equipped to uncover the operations of an underground conspiracy.

A reading of the testimony of the uncooperative witnesses in the hearings demonstrates that, in the main, they were more concerned with protecting the Communist conspiracy and the identity of its members, and also in attacking this committee, than they were in providing the Congress with information that would help it enact legislation vital to the security of the people of this Nation. They injected into the hearings statements designed to engender sympathy for themselves as persecuted martyrs, attempted to becloud the real issues, and made unfounded statements in their efforts to discredit this committee. By indirection, however, they did unwittingly supply the committee with valuable information.

The case of Paul Mann was typical. He falsely accused the committee of having "investigated" Shirley Temple when she was only 10 years of age. The truth, of course, is that this committee has never investigated Shirley Temple. The facts of the Shirley Temple incident are as follows:

Twenty years ago, an expert witness, in the course of his testimony

before the Special Committee on Un-American Activities, explained how the Communist Party uses prominent non-Communists to promote Moscow's line, relying on the willingness of many such people (or their agents) to sign statements without bothering to read them. As an example of what he meant, he pointed out that, on the occasion of its first anniversary, a French Communist Party newspaper had recently featured greetings from three of America's best-known male movie stars (whose names he gave) "and even Shirley Temple."

The witness had prefaced this example of how the Communist Party uses non-Communists and anti-Communists to promote its cause with these words: "I am not trying to make these persons' names stand out in any odious manner whatsoever." A reading of the full testimony of the witness in question—a recognized authority on communism—makes it clear that he had no intention of implying or hinting that Shirley Temple or any of the other persons whose names had been used by the French Communist newspaper were Communists, pro-Communists, or fellow travelers.

Yet Paul Mann attempted to use the testimony of this witness to give new and wider circulation to the tale that this committee had "investigated" Shirley Temple, a fable that has been repeatedly used by Communists and their sympathizers in their efforts to discredit committees of the Congress investigating communism.

Mann tried to portray himself as a person who was interested only in the preservation of the American theater and free artistic endeavor. The committee has been reliably informed, however, that he obtained his United States citizenship and, later, a United States passport, by falsely denying affiliation with the Communist Party.

Several witnesses expected to testify in these hearings did not appear because they were hospitalized on the day of their scheduled appearance or shortly before. One such witness, Louis Solomon, also known as Louis Salaman, had been interrogated on May 8, 1958. His testimony of that date is released and made a part of this volume.

In connection with a previous investigation in the entertainment field, testimony was taken from Lee Grant, an actress. Her testimony is likewise released and made a part of this volume.

It is evident from a review of the hearing record that Communists use the various entertainment media to promote the cause of international communism. Both through fraud and the concealment of material facts, they have raised funds for the Communist Party and have endeavored to entrap nonsuspecting Americans into believing that they, or the organizations which they were promoting, were designed for the betterment of the arts or of the American way of life.

COMMUNISM IN THE NEW YORK AREA

(Entertainment)

WEDNESDAY, JUNE 18, 1958

UNITED STATES HOUSE OF REPRESENTATIVES,
SUBCOMMITTEE OF THE
COMMITTEE ON UN-AMERICAN ACTIVITIES,
New York, N. Y.

PUBLIC HEARINGS

A subcommittee of the Committee on Un-American Activities met, pursuant to resolution, at 10 a. m., in room 129, Federal Court House, Foley Square, New York, N. Y., Hon. Morgan M. Moulder, chairman of the subcommittee, presiding.

Committee members present: Representatives Morgan M. Moulder, of Missouri; William M. Tuck, of Virginia; and Gordon H. Scherer, of Ohio.

Staff members present: Richard Arens, staff director, and Donald T. Appell, investigator.

Mr. MOULDER. The committee will be in order.

Have the record show that the Honorable William M. Tuck, of Virginia, on my left, and the Honorable Gordon H. Scherer, of Ohio, on my right, and myself, Morgan M. Moulder, presiding, are present at the opening of the subcommittee.

At this point there will be inserted in the record the resolution adopted on May 21, 1958, by the Committee on Un-American Activities authorizing the hearings.

Let there also be inserted in the record at this point the order appointing the subcommittee.

(The documents referred to follow:)

RESOLUTION FOR NEW YORK HEARINGS

The following resolution was unanimously adopted:

Be it resolved, That a hearing by the committee, or a subcommittee thereof, be held in New York City beginning on the 17th day of June 1958, or on any other date fixed by the chairman of the committee, and that the staff be authorized to conduct investigations deemed reasonably necessary in preparation therefor, relating to the following subjects and having the legislative purposes indicated:

1. The promotion of famous name personalities in the work of Communist-front organizations as a propaganda activity in aid and support of the Communist Party, the legislative purpose being to determine the necessity for, and advisability of, amendment to the Internal Security Act of 1950, section 7 (d), relating to the registration statement required to be made by Communist-front organizations.

2. The extent of use of aliases by members of the Communist Party obtaining employment in communication facilities under control of the Federal Commu-

nications Commission, for the purpose of considering whether legislation is needed requiring registration with the Federal Communications Commission, setting forth all aliases used by such persons.

3. Employment discrimination favorable to members of the Communist Party and the diffusion within the United States of subversive Communist propaganda, for the purpose of obtaining additional information for use by the committee in its consideration of section 16 of H. R. 9352, relating to the proposed amendment of section 4 of the Communist Control Act of 1954, prescribing a penalty for knowingly and willfully becoming or remaining a member of the Communist Party with knowledge of the purposes or objectives thereof.

MAY 21, 1958.

To Mr. RICHARD ARENS, *Staff Director, House Committee on Un-American Activities*:

Pursuant to the provisions of law and the rules of this committee, I hereby appoint a subcommittee of the Committee on Un-American Activities, consisting of Representative Morgan M. Moulder, as chairman, and Representatives William M. Tuck and Gordon H. Scherer, as associate members, to conduct public hearings in New York, N. Y., Tuesday and Wednesday, June 17 and 18, 1958, at 10 a. m., on subjects under investigation by the committee and take such testimony on said days or succeeding days, as it may deem necessary.

Please make this action a matter of committee record.

If any member indicates his inability to serve, please notify me.

Given under my hand this 21st day of May 1958.

FRANCIS E. WALTER,

Chairman, Committee on Un-American Activities.

Mr. MOULDER. This series of hearings by the Committee on Un-American Activities is for the purpose of taking testimony from individuals who, according to investigation, possess knowledge necessary for the consideration of legislation presently pending before the committee. The witnesses called maintain themselves economically by employment in the entertainment mediums. However, they have been subpoenaed because they possess knowledge of the manner and method by which the Communist Party operates or has operated in the United States by infiltration in the entertainment field. If the witnesses did not possess such knowledge, neither they nor their field of employment would be of interest to this committee.

We are interested in learning from these witnesses the extent to which the Communist Party uses talent, similar to the talent of the witnesses under subpoena, for the purpose of facilitating the Communist Party program or assisting the party in formulating or financing its front activities.

Previous hearings have established that Communist Party members enjoying large incomes from the entertainment field have substantially financed the Communist Party. To protect their incomes, some of them have severed their formal connection with the Communist Party. However, this severance has not been the result of an ideological break, but one which merely permits them to deny party membership and maintain their lucrative employment. In their "without portfolio" status, they seem to continue to finance the Communist Party through financial contribution or by hiring, if they are in a position to do so, members of the Communist Party who, in turn, support the party through their finances and their propaganda activities on behalf of the party or its front programs.

This activity even includes the presentation, in dramatic form, of the works of Communist authors and composers who, in turn, use their royalties to finance the Communist Party and its propaganda activities not only in the United States, but in other free countries of the

world. These witnesses should be possessed with vast knowledge and important information on this subject, and their knowledge is needed by the committee.

No one will disagree with our finding that a Communist-front organization cannot possibly succeed if its membership is restricted to known Communists. We have seen how certain Communist-front organizations were disbanded overnight when their leaders were disclosed before the Subversive Activities Control Board as members of the Communist Party. These proceedings before the Subversive Activities Control Board resulted from legislation reported by this committee which was based on information obtained during hearings similar to this one.

In addition to determining whether amendments are needed to the Subversive Activities Control Act of 1950, as amended in 1954, the committee is interested in learning to what extent the field of communications, of which radio and television are such a vital part, endangers our national security when individuals engaged therein are members of the Communist Party. These fields must be free from possible subversion during a national emergency. That cannot be so if the Federal Government does not know the true identity of those with access to our airwaves. In the consideration of our security, should a person employed in the radio or television industry who has been a concealed member of the Communist Party be required to register such fact with the Federal Communications Commission?

Inquiry into other fields of communications, such as telephone and telegraph, indicates that such a registration might be desirable. It is our hope that this series of hearings will enable us to receive knowledge necessary to guide our legislative deliberations.

Mr. ARENS is chief counsel and staff director of the committee.

Mr. ARENS. Mr. Chairman, it is necessary this morning to take out of order a witness who was originally scheduled to be heard late today. The witness is Mr. Bernard Gersten, who because of pressing commitments wants to leave the community here to be elsewhere later today. We planned on scheduling him later today, but pursuant to the strong urgings of his counsel, we will take him out of order if it meets with the pleasure of the chairman.

Mr. FAULKNER. We would appreciate not having any photographs taken.

Mr. MOULDER. Do you solemnly swear that the testimony you are about to give before this subcommittee of the House Committee on Un-American Activities of the United States Congress will be the truth, the whole truth, and nothing but the truth, so help you God?

Mr. GERSTEN. I do.

TESTIMONY OF BERNARD GERSTEN, ACCOMPANIED BY COUNSEL, STANLEY FAULKNER

Mr. ARENS. Kindly identify yourself my name, residence, and occupation.

Mr. GERSTEN. My name is Bernard Gersten. I live at 56 Seventh Avenue, New York. I am currently in residence in Connecticut and I work as a stage manager.

Mr. ARENS. Where are you employed, Mr. Gersten?

(The witness conferred with his counsel.)

Mr. GERSTEN. At the American Shakespeare Festival in Stratford, Conn.

Mr. ARENS. You are appearing today in response to a subpoena served upon you by the House Committee on Un-American Activities?

Mr. GERSTEN. Yes, sir.

Mr. ARENS. You are represented by counsel?

Mr. GERSTEN. Yes, sir.

Mr. ARENS. Will counsel kindly identify himself for the record?

Mr. FAULKNER. Stanley Faulkner, 9 East 40th Street, New York 16, N. Y.

Mr. ARENS. How long have you been employed by the American Shakespeare Festival, Mr. Gersten?

Mr. GERSTEN. One year.

Mr. ARENS. What was your employment immediately prior to your present employment?

(The witness conferred with his counsel.)

Mr. GERSTEN. As I understood the legislative purpose that was stated by the committee chairman, the legislation pending before the committee has to do with possible registering individuals who work in the television and radio industry. I work in neither industry and therefore I do not see the relevancy of that question, either to the legislation stated, the planned legislation stated, or to anything else that the committee chairman indicated.

Mr. ARENS. Perhaps it would help you if we had another preliminary question. Are you now a member of the Communist Party?

Mr. GERSTEN. I feel that that question is an invasion of my rights of privacy. I do not think that this committee or any committee of Congress has the right to ask me questions about either political affiliations, religious associations. I believe those questions are outside of the purview of this committee or any committee of Congress.

Mr. ARENS. Would you kindly answer the question; and I point out, if you please, sir, to help clarify the pertinency of the question that we are not at any time, nor will we at any time during the course of the hearings here, interrogate any witness with respect to his beliefs or his associations. That is a fabrication that has been devised by the Communist Party and those under Communist discipline to undertake to discredit congressional committees seeking to develop facts with respect to a conspiracy in the United States which is designed to overthrow this Government and to further the interests of the international Communist operation.

The sole and exclusive question which is pending before you now, Mr. Gersten, is whether or not you are now a Communist, a member of the Communist Party.

I respectfully suggest, Mr. Chairman, that he be ordered and directed to answer the question.

Mr. MOULDER. I wish to say that counsel said that you would not be asked questions concerning associations. I am sure that he intends to amend that by saying no questions or interrogation of you will be made concerning your personal, social associations, but most certainly you can be asked questions concerning your associations.

Mr. ARENS. I would amend it, if you please, Mr. Chairman, by clarifying that we are not probing, never have, do not now, and never will, into associations for the sake of associations only, but rather for

the sake of getting information respecting people whom this man or other witnesses may know who have been active in the Communist conspiracy.

(The witness conferred with his counsel.)

Mr. GERSTEN. Mr. Chairman, I do not understand the amendments that are taken because the abridgement of this freedom of association—when the counsel tells me that he is only asking certain questions about association, or certain questions about belief, I do not understand that. I really do not. My understanding and my very firm conviction is that no committee of Congress may inquire as to any associations.

Mr. MOULDER. He has not asked you a question about your association.

Mr. GERSTEN. He has. He has asked me a question about a political association.

Mr. ARENS. Let's confine the question specifically to this question: Are you now a Communist?

Mr. GERSTEN. That is the question I am objecting to.

Mr. SCHERER. I ask you, Mr. Chairman, to direct the witness to answer the question.

Mr. MOULDER. The witness is directed to answer the question.

Mr. GERSTEN. I must decline to answer that question for the reasons stated and also because—

(The witness conferred with his counsel.)

Mr. MOULDER. The committee has conferred and suggested that counsel give you further information concerning the purpose of this hearing, and the object of the committee in interrogating you and soliciting you for information that may aid and assist the committee in its legislative program.

Mr. FAULKNER. Are you withdrawing the direction?

Mr. ARENS. No, sir.

Mr. MOULDER. The question will be reframed and asked again.

Mr. GERSTEN. Any way that question is phrased, I would decline to answer it.

Mr. MOULDER. Advise and inform the witness.

Mr. ARENS. Mr. Gersten, I would like to advise you, and this will be advice that will be applicable to many questions which I propose to propound to you today. The Committee on Un-American Activities is a committee of the United States Congress which has almost unanimous support of the House of Representatives consistently in its endeavors to develop factual information to recommend legislation dealing with the Communist operation in the United States. It is frequently and erroneously asserted that this committee is probing into people's thoughts, political associations, and ideas. That, of course, is a device or a facade created by the Communist conspiracy so they can hide behind it.

This committee is now in the process of considering a great number of legislative proposals, including the proposals in a bill H. R. 9937, which was introduced by the chairman of this committee and has probably, I would estimate as of the moment, 2 or 3 dozen separate provisions undertaking to cope with this conspiratorial operation. We all know, at least the overwhelming majority of the American people know, it is not a political party, is not a political activity, but is a conspiratorial operation designed to undermine this Nation, designed to

further the interests of the Soviet empire in its drive for global domination.

In the consideration of that legislation, it is necessary for the committee to have facts with which it can weigh and appraise the various proposals which are pending. In addition to the actual legislation which is pending in formal bills, the committee from time to time is in deliberation as to what legislation might be devised. It is also reviewing present statutes as to whether or not they are adequate.

I say in the consideration of this legislation and these proposals and the discharge of its legislative functions this committee is constantly trying to develop factual information.

It is our information that you, sir, are now a member of the Communist Party. It is our information that you have information respecting Communist penetration in the entertainment medium. We feel that if you would tell us now the information you have respecting Communist Party use of actors, entertainers, in the furtherance of the Communist front activities in the United States, the use of these people as Communists and as Communist frontiers in the solicitation and development of funds for the conspiratorial operation, that you would add immeasurably to the fund of knowledge of this committee in its consideration and appraisal of its legislative proposals.

Now that explanation, I hope, will be borne in mind by you in consideration of a number of questions.

I now pose to you, so the record is absolutely clear at this time, the principal question again: Are you now, this instant, a member of the Communist Party?

(The witness conferred with his counsel.)

Mr. GERSTEN. Nothing that the counsel has said has altered my feeling from before the counsel spoke. It is an interesting speech and people may agree or disagree with him. I do not care to state my point of view whether I agree with him or disagree with him, and I challenge the jurisdiction of counsel to ask these questions.

Mr. SCHERER. I ask that you direct the witness to answer the question, Mr. Chairman.

Mr. MOULDER. The witness is ordered and directed to answer the question.

Mr. GERSTEN. I decline to answer the question.

Mr. MOULDER. May we further advise you that when you consider your response to that direction, you are possibly placing yourself in the position of being in contempt of the Congress of the United States and you are advised of that, not in the spirit of threatening you or to coerce you, but so that you might know of the position in which you are placing yourself by refusing to answer.

Mr. ARENS. So the record may be absolutely clear, is it clear in your mind, sir, that you have not invoked in your refusal to answer this question those provisions of the fifth amendment to the Constitution of the United States which give you the privilege of declining to answer questions which you, in good faith, feel could be used against you in a criminal proceeding?

(The witness conferred with his counsel.)

Mr. GERSTEN. Sir, I must continue to decline to answer that question and I take the chairman's advice about the possibility of contempt. I am afraid I cannot accept your statement that it is not used

as a means of coercion to apply pressure. I am afraid it is. The reasons I decline to answer that question are the reasons I have stated, and I will further add that a witness may not be compelled to bear witness against himself.

Mr. ARENS. Do you honestly feel, sir, that if you answered this last principal question truthfully as to whether or not you are now, at this moment, a member of the Communist Party, you would be supplying information which might be used against you in a criminal proceeding?

(The witness conferred with his counsel.)

Mr. GERSTEN. I must decline to answer that question as well for the reasons previously stated.

Mr. ARENS. I request that the witness be ordered and directed to answer that question in order to test the good faith of the witness now in invoking the fifth amendment.

(The witness conferred with his counsel.)

Mr. MOULDER. The witness is directed and ordered to answer the question.

(The witness conferred with his counsel.)

Mr. GERSTEN. I decline to answer that question under the fifth amendment.

Mr. ARENS. Is Mr. Will Geer engaged in the American Shakespeare Festival company?

(The witness conferred with his counsel.)

Mr. GERSTEN. I think that committee counsel has this ad in front of him, and he probably has a list of all of the actors. I did not have an alphabetical. We have an equal billing clause that requires, if I mention the name of one member, I must mention the name of all of them, and it is a list of 24 actors, and I do not have them memorized and Mr. Geer is certainly among them.

Mr. ARENS. To your certain knowledge is Will Geer a member of the Communist Party?

(The witness conferred with his counsel.)

Mr. GERSTEN. I know Mr. Geer as an actor and as a member of the company and I know him no other way, I am afraid.

Mr. ARENS. Have you ever applied for a United States passport?

(The witness conferred with his counsel.)

Mr. GERSTEN. I must decline to answer that question on the basis of the fifth amendment.

Mr. SCHIERER. I ask you to direct the witness to answer the question.

Mr. MOULDER. The witness is directed to answer the question.

(The witness conferred with his counsel.)

Mr. GERSTEN. Again I must decline to answer that question on the basis that a witness may not be compelled to testify against himself.

Mr. ARENS. Did you in 1954 or thereabouts take a trip abroad?

(The witness conferred with his counsel.)

Mr. GERSTEN. No.

Mr. ARENS. Have you ever taken a trip abroad?

Mr. GERSTEN. I decline to answer that question on the basis of the fifth amendment.

Mr. ARENS. Have you ever gone to Czechoslovakia?

Mr. GERSTEN. My answer must be the same.

Mr. ARENS. The same as what?

Mr. GERSTEN. As the previous answer.

Mr. ARENS. Do you honestly apprehend, sir, that if you told this committee while you are under oath—

Mr. GERSTEN. The counsel says honestly apprehend. I honestly apprehend, completely.

Mr. ARENS. Do you honestly apprehend if you tell this committee under oath whether or not you have taken a trip to Czechoslovakia you are supplying information which may be used against you in a criminal proceeding?

(The witness conferred with his counsel.)

Mr. GERSTEN. I decline to answer that question on the basis of the fifth amendment.

Mr. ARENS. Have you been on the initiating committee of the Third World Youth Festival which was held in Berlin in August of 1951?

Mr. GERSTEN. I decline to answer that question on the basis of the fifth amendment.

Mr. ARENS. Were you a delegate to that festival?

Mr. GERSTEN. I decline to answer that question.

Mr. ARENS. We should like to display to you a thermofax reproduction of a publication of the Third World Festival of Youth and Students for Peace, which was held in Berlin in 1951 which, among other things, lists the initiating committee in the United States for this enterprise.

In that list there appears the name Bernard Gersten, stage manager. Kindly look at this exhibit as it is displayed to you and tell us whether or not the information contained in that exhibit with reference to yourself is true and correct.

(The witness conferred with his counsel.)

Mr. GERSTEN. I decline to answer that question on the basis previously stated.

(Document marked "Gersten Exhibit No. 1" and retained in committee files.)

Mr. ARENS. Where and when were you born?

Mr. GERSTEN. In Newark, N. J., on January 30, 1923.

Mr. ARENS. Kindly give us a word, sir, respecting your formal education.

Mr. GERSTEN. High school and 2 years at Rutgers University.

Mr. ARENS. When did you conclude your formal education at Rutgers University?

Mr. GERSTEN. May of 1942.

Mr. ARENS. I take it you did not receive a degree.

Mr. GERSTEN. No, I did not.

Mr. ARENS. Give us, sir, just the principal employments you have had since you concluded your formal education.

(The witness conferred with his counsel.)

Mr. GERSTEN. In the statement that the counsel made, that the chairman made, prior to the opening of the hearing, or at the beginning of the hearing today, he stated that legislation is currently pending before Congress relating to the possible registration, is the word he used, I believe, "registration" of so-called Communists who work in radio and television. I do not work in radio and television and I do not see the relationship what my past employment has to the stated pending legislation before the committee.

Mr. ARENS. In addition to the opening statement, I believe you will recall there was an elaboration on certain of the factual situations by myself with reference to legislative proposals which are pending before the committee. Now would you kindly tell this committee what have been your principal employments since you concluded your formal education at Rutgers.

Mr. GERSTEN. I worked principally as a stage manager.

Mr. ARENS. What was the first principal employment you had as a stage manager?

(The witness conferred with his counsel.)

Mr. GERSTEN. I must state as before that I do not see the relevancy to either the stated purposes of the chairman or of the counsel of this committee. I therefore decline to answer.

Mr. ARENS. Mr. Chairman, I respectfully suggest that the witness be ordered and directed to answer the question.

Mr. MOULDER. Yes, the witness is extremely uncooperative. We do advise you and order and direct you to answer the question.

Mr. GERSTEN. I am sorry I have to be uncooperative, but I do find it necessary to be. I think the questions the committee asks are improper questions. I really do, and I find it difficult to answer what I consider to be improper questions.

Mr. SCHERER. Is there any question we could ask you that would be a proper question?

Mr. GERSTEN. Are there what?

Mr. SCHERER. I will pass it up.

Mr. ARENS. Let's go backward for a little while, if you please.

Mr. GERSTEN. I decline on the basis of the fifth amendment.

Mr. ARENS. Do you honestly apprehend that if you told this committee the principal employments which you have had since you concluded your formal education at Rutgers you would be supplying information which might be used against you in a criminal proceeding?

Mr. GERSTEN. That is a question which I have answered a number of times before, and I must answer it the same way again.

Mr. SCHERER. Witness, let me explain to you that your answer under that question must be "Yes." All the counsel is asking you is whether you are invoking the fifth amendment in good faith. That is all counsel is asking you.

Mr. GERSTEN. I did not understand it that way at all.

Mr. FAULKNER. We have had a series of questions on that.

Mr. MOULDER. You can advise your client, but do not advise Mr. Scherer.

Mr. FAULKNER. I have been waiting for a half year for a reply from Mr. Scherer to my letter.

Mr. SCHERER. Mr. Arens is asking you if you are invoking the fifth amendment in good faith and if you actually apprehend that an answer to that question would lead to criminal prosecution. You do not say that it would incriminate you to say that you are invoking the fifth amendment properly and in good faith. How could that possibly incriminate you?

Mr. GERSTEN. Everything I do here is essentially in good faith, so the question is, so far as I am concerned, a rhetorical question.

Mr. SCHERER. I just thought I would explain it to you.

I request, Mr. Chairman, that you direct and order the witness to answer the question whether or not he is invoking the fifth amendment in good faith, and that if he answers the question that it might incriminate him.

Mr. GERSTEN. I must decline to answer that question, as well, on the basis of the fifth amendment.

Mr. ARENS. Has there been any principal employment you have had since you concluded your formal education at Rutgers concerning which you can tell this committee without revealing information that might be used against you in a criminal proceeding?

Mr. GERSTEN. I could discuss all of the jobs I have had in great detail. Do you want to know what troubles we have had? What do you want to know about my employment? I have done a great number of shows. I have done summer stock. I have done the Mike Todd birthday party. I would be happy to discuss that with you.

Mr. ARENS. Would you tell us the principal employments you have had since you completed your formal education?

Mr. GERSTEN. I have already declined to answer that question.

Mr. ARENS. Are there some principal employments which you have had since you completed your formal education that you can reveal that would not be used against you in a criminal proceeding?

Mr. GERSTEN. What facts is counsel after and what does it relate to?

Mr. ARENS. I would be very glad to tell you in a little more detail. You have declined, sir, to answer the question as to the principal employments which you have had since you concluded your formal education on the ground that to do so would supply information that would be used against you in a criminal proceeding. I have now asked you whether or not there are some employments which you have had since you concluded your formal education concerning which you could tell this committee without revealing information that could be used against you in a criminal proceeding; in other words, any non-Communist employment or any employment.

Would you tell us, are there some employments, principal employments, that you have had, which in no way related to Communist activities?

Mr. SCHERER. Like he said, directing the Mike Todd show.

Mr. GERSTEN. I was the stage manager. I did not direct it.

Mr. SCHERER. Are there any others like that? That would not incriminate you to tell us about the staging of the Mike Todd show.

Mr. GERSTEN. What do you want to know about them? I really don't understand the question.

Mr. SCHERER. We do not want you to tell us anything in detail. You told us that you stage-managed the Mike Todd show. Are there any other shows you managed?

Mr. GERSTEN. To what does such questions relate?

Mr. ARENS. You are entitled to an explanation. If you tell us the principal employments which you have had, I then intend to interrogate you with reference to each of the principal employments as to any Communist activity in which you may have been engaged as a stage manager—undertaking to do the Communist Party bidding in your activity. This would be in furtherance of the objective of this committee of obtaining factual information respecting Communist activities which might be added to the fund of knowledge this committee has in appraising legislation which is pending before it.

(The witness conferred with his counsel.)

Mr. GERSTEN. I decline to answer any questions in relation to employment on the basis of the fifth amendment.

Mr. ARENS. Do you honestly apprehend that if you answered questions respecting principal employments you have had since your formal education at Rutgers you would be supplying information that would be used against you in a criminal proceeding?

Mr. GERSTEN. I decline to answer that question.

Mr. ARENS. I respectfully request that the witness be ordered and directed to answer that last outstanding question, because unless he honestly apprehends that the answers could be used against him in a criminal proceeding he is not entitled to invoke the privileges of the fifth amendment and is therefore not acting in good faith.

Mr. MOULDER. The witness is ordered and directed to answer the question.

Mr. GERSTEN. I refuse to answer that question on the basis of the fifth amendment.

Mr. ARENS. Have you been secretary-treasurer of the Emergency Committee of the Arts and Professions To Secure Clemency for the Rosenbergs?

Let me explain the question to you.

Mr. GERSTEN. I understand the question.

Mr. ARENS. I will explain it. If you have been secretary-treasurer of the Emergency Committee of the Arts and Professions To Secure Clemency for the Rosenbergs, that would lead us into an area we would like to explore very greatly—the extent to which the arts and professions were used by the Communist conspiracy in the Rosenberg case for the furtherance of Communist propaganda objectives.

Mr. GERSTEN. I have already answered the question.

Mr. ARENS. Kindly look at this thermofax exhibit. It is captioned: "Must the Rosenbergs Die?" And at the end reads:

This advertisement was paid for by popular subscription and published by the Emergency Committee of the Arts and Professions To Secure Clemency for the Rosenbergs, Bernard Gersten, secretary-treasurer.

If this is a Communist enterprise, then it would appear to be very clear from the standpoint of the legislative interest of this committee that the Communist Party, the Communist conspiracy in the United States, was using people in the arts and in the professions, Communists and non-Communists, for Communist objectives.

Kindly look at that exhibit and tell us whether or not that designation of you as secretary-treasurer of this committee is true and correct.

(The witness conferred with his counsel.)

Mr. GERSTEN. I believe I have already answered the question.

Mr. MOULDER. The witness is directed to answer the question. You have not answered the question.

Mr. GERSTEN. I decline to answer it on the basis of the fifth amendment.

(Document marked "Gersten Exhibit No. 2" and retained in committee file.)

Mr. ARENS. Sir, are there people in the entertainment industry who to your certain knowledge are, or in the recent past have been, members of the Communist Party?

(The witness conferred with his counsel.)

Mr. GERSTEN. I decline to answer that question on the basis of the fifth amendment.

Mr. ARENS. Are you presently engaged in any professional organization of people in the entertainment industry?

Mr. GERSTEN. I have already told you I am. I work for the American Shakespeare Festival.

Mr. ARENS. I mean a fraternal group of people in the professions. (The witness conferred with his counsel.)

Mr. GERSTEN. Are you asking me about a trade-union affiliation?

Mr. ARENS. Yes, sir.

Mr. GERSTEN. That has always been a bad question to ask, and congressional committees are not supposed to ask it.

Mr. SCHERER. Senator McClellan's committee has been doing that for weeks.

Mr. GERSTEN. I am a member of the Actors' Equity Association.

Mr. ARENS. Have you held any office or post in Actors' Equity Association?

Mr. GERSTEN. No; I have not.

Mr. ARENS. Have you participated in any of the deliberations of Actors' Equity with reference to the question of issuance of passports to Communists?

(The witness conferred with his counsel.)

Mr. GERSTEN. No; I have not.

Mr. ARENS. Did you participate in the deliberations of Actors' Equity with reference to the question of issuance of, or denial of, passport to Paul Robeson?

(The witness conferred with his counsel.)

Mr. GERSTEN. May I have the question repeated, please?

Mr. ARENS. Do you want to withdraw your last answer?

Perhaps there was a misunderstanding when I asked you whether or not you participated in any proceedings of Actors' Equity with reference to passports to Communists.

Mr. FAULKNER. Mr. Gersten was inquiring whether you had a stool-pigeon in Actors' Equity.

Mr. ARENS. What do you mean?

Mr. GERSTEN. I wonder how the views come before a congressional committee.

Mr. ARENS. I have a publication before me entitled "Equity," June 1958, which is the official organ of this fine organization, Actors' Equity Association. In this magazine I see quoted Bernard Gersten with reference to the matter of the issuance of a passport to international Communist agent Paul Robeson. Now will you tell us whether or not you participated in the deliberations of Actors' Equity with reference to the issuance or denial of passports to Communists?

Mr. GERSTEN. It is funny the way you put the question, Counsel. He was a member of our union. He was asked to play a part in a Shakespearean role in Stratford, England, where there is another place where they did Shakespeare. I am interested that a member of our union would be allowed to play in a Shakespearean role when he is offered, and that is what I did, and not the way counsel put it.

(Document marked "Gersten Exhibit No. 3" and retained in committee files.)

Mr. ARENS. Tell us whether or not you were a proponent of the issuance of a passport to Paul Robeson.

(The witness conferred with his counsel.)

Mr. GERSTEN. Yes, I am afraid that I anticipated the Supreme Court's Monday decision.

Mr. ARENS. Then you could anticipate the reason why this committee is interested in this area and would like to have an answer to this question as to whether or not you participated in the deliberations with respect to the issuance of a passport to Paul Robeson and whether or not you were a proponent for the issuance of a passport to Paul Robeson.

Mr. GERSTEN. You say international Communist agent. He is a member of the actors' union. We do not have such members in the union to the best of my knowledge.

Mr. ARENS. You are in the union.

Mr. GERSTEN. I have answered that question.

Mr. ARENS. I do not want to quibble with you here.

Kindly tell us whether or not you were a proponent in Actors' Equity deliberations with respect to the issuance of a passport to Paul Robeson.

Mr. GERSTEN. As a matter of fact, as I remember the issue, there was a resolution before the meeting urging that the counsel of Actors' Equity Association support, not propose, support the right of Mr. Robeson, a member of the union, to travel in order to perform in Stratford, England, and I spoke in favor of that resolution.

Whether that means in counsel's terms that I am a proponent of the issuance of a passport, I would say, "No, I am not." I spoke in favor of the resolution.

Mr. ARENS. You spoke in favor of the resolution presented for a passport for an international Communist agent, Paul Robeson.

Mr. GERSTEN. The words are yours, not mine.

Mr. ARENS. When you stood up and made this address to your colleagues in the Actors' Equity, did you tell them whether or not your position was motivated by any affiliation or membership discipline under which you were operating at the behest of the Communist Party?

Mr. GERSTEN. Mr. Chairman, I would like to make it clear to you, I do not know if I can make it clear to anybody else, any actions are motivated by my thoughts.

Mr. ARENS. Were you a member of the Communist Party—

Mr. GERSTEN. I decline to answer that question on the grounds of the fifth amendment.

Mr. ARENS. Were you a member of the Communist Party the very instant that you were speaking before the Actors' Equity membership on behalf of the resolution which advocated a passport for Paul Robeson?

Mr. GERSTEN. I decline to answer that question on the basis of the fifth amendment.

Mr. ARENS. I suggest that will conclude the interrogation of this witness.

Mr. MOULDER. Are there any questions of the witness?

The witness is excused.

The committee will stand in recess for five minutes.

(Brief recess.)

Mr. MOULDER. The committee will please be in order.

Call the next witness, please, Mr. Arens.

Mr. ARENS. Mr. William Lawrence, kindly come forward.

Mr. NEEDLEMAN. I represent a Mr. Lazar. Possibly you mean him. If you are calling Mr. Lazar, I represent him.

Mr. ARENS. William Lazar, then, please come forward.

Mr. MOULDER. It is a rule of the committee that while the witness is on the witness stand, taking pictures of the witness is prohibited. Up to that time we do not have a rule prohibiting the taking of photographs.

Mr. NEEDLEMAN. Does my client have to walk into this barrage of photographers?

Mr. ARENS. Mr. Lazar, will you kindly come forward, pursuant to the subpoena?

Mr. NEEDLEMAN. He is in the courtroom and when the photographers sit down, he will come forward.

Mr. MOULDER. The witness is directed to take the witness stand. Call the witness again.

Mr. ARENS. Mr. Lazar, pursuant to the subpoena which is outstanding which has been served upon you on the order of this committee, will you kindly come forward.

Mr. LAZAR. May I ask the photographers as fellow workmen to please refrain from taking a picture of me. I respectfully request, gentlemen, that you will not take pictures.

Mr. MOULDER. The committee will conduct the hearing in accordance with what we believe to be the proper conduct and we are doing so. We now, of course, respectfully request the photographers to refrain from taking any pictures while the witness is testifying.

Do you solemnly swear that the testimony you are about to give before this subcommittee of the House Committee on Un-American Activities of the United States Congress will be the truth, the whole truth, and nothing but the truth, so help you God?

Mr. LAZAR. I do.

TESTIMONY OF WILLIAM LAZAR (WILLIAM LAWRENCE), ACCOMPANIED BY COUNSEL, ISIDORE G. NEEDLEMAN

Mr. ARENS. Kindly identify yourself by name, residence, and occupation.

Mr. LAZAR. William Lazar, 30 Greenwich Avenue, spotter by trade.

Mr. ARENS. And you are appearing today, Mr. Lazar, in response to a subpoena which was served upon you by the House Committee on Un-American Activities?

Mr. LAZAR. That is right.

Mr. ARENS. Mr. Chairman, I think that Mr. Lazar may be inadvertently violating the rules of the courtroom by smoking in the room.

Mr. LAZAR. When I removed the ash tray there was a cigarette on it.

Mr. ARENS. Are you represented by counsel, Mr. Lazar?

Mr. LAZAR. That is right.

Mr. ARENS. Counsel, will you kindly identify yourself?

Mr. NEEDLEMAN. Isidore G. Needleman, 165 Broadway, New York 6.

My client has a challenge to the jurisdiction of this committee which will take about 1 minute to make.

Mr. MOULDER. Do you wish to make a brief statement?

Mr. LAZAR. Yes, sir.

Mr. MOULDER. Proceed.

Mr. LAZAR. I would like to challenge the jurisdiction of this committee, first, because I feel it has no legitimate legislative function and, to the best of my knowledge, not a piece of legislation so far has emerged as a result of the functioning of the so-called Walters committee.

Mr. ARENS. Would you repeat that, please?

Mr. LAZAR. No legislation to the best of my knowledge has emerged as a result of these hearings.

The function of this committee, sir, is not yet defined and it is rather vague.

I also consider, based on the record of this committee, that in questioning witnesses this committee violates my constitutional rights in probing my personal beliefs, associations, or affiliations.

Finally, may I say, Mr. Chairman, that it seems to me that this committee is as outmoded and outdated as is the covered wagon, with this difference: The covered wagon helped build a good and beautiful America. Thank you.

Mr. MOULDER. Please proceed, Mr. Arens.

Mr. ARENS. For the purpose of identification, kindly tell us, Mr. Lazar, if you have been known by any name other than the name Lazar.

Mr. LAZAR. I shall decline to answer that on the grounds of the first and fifth amendments.

Mr. ARENS. Have you been known by the name of William Lawrence?

Mr. LAZAR. I decline on the grounds of the first and the fifth amendments.

Mr. ARENS. Do you honestly apprehend, sir, if you told this committee truthfully while you are under oath whether or not you have been known by the name of William Lawrence you would be supplying information which could be used against you in a criminal proceeding?

Mr. LAZAR. Sir, your concept and my concept as to what I apprehend are entirely two different things. I challenged the rights of this committee to probe into my personal affairs.

Mr. MOULDER. Counsel asked you whether or not you believe in good faith that your refusal to answer might tend to incriminate you and subject you to a criminal prosecution. That is the question pending.

Mr. LAZAR. Mr. Chairman, I am invoking the first and fifth amendments in good faith.

Mr. SCHERER. That is the proper answer to that question.

Mr. ARENS. Where were you born, please, sir?

Mr. LAZAR. I decline to answer on the grounds of the first and fifth amendments.

Mr. ARENS. Mr. Chairman, I respectfully request that the witness be ordered and directed to answer that question.

Mr. MOULDER. The witness is directed to answer that question.

(The witness conferred with his counsel.)

Mr. LAZAR. Mr. Chairman, on advice of counsel I shall state I was born in the city of Kishinev, Russia.

Mr. ARENS. Kindly tell us when you came to the United States.

(The witness conferred with his counsel.)

Mr. LAZAR. 1921.

Mr. ARENS. Are you a citizen of the United States?

Mr. LAZAR. Yes, sir.

Mr. ARENS. Is that by naturalization or derivation?

Mr. LAZAR. Naturalization.

Mr. ARENS. When and where were you naturalized?

(The witness conferred with his counsel.)

Mr. LAZAR. I was naturalized in the latter part of 1926 or the early part of 1927.

Mr. ARENS. Where, please, sir?

Mr. LAZAR. In the city of Philadelphia.

Mr. ARENS. Under what name were you naturalized?

(The witness conferred with his counsel.)

Mr. LAZAR. I decline to answer this question on the grounds of the first and fifth amendments.

Mr. ARENS. At the time of your naturalization were you a member of the Communist Party?

Mr. LAZAR. I decline to answer that question on the grounds of the first and fifth amendments.

Mr. ARENS. Now we should like to invite your attention, Mr. Lawrence—

Mr. LAZAR. Lazar is the name.

Mr. ARENS. Do you deny your name is also Lawrence?

Mr. LAZAR. I said Lazar was the name.

Mr. SCHERER. I think he should answer your question and I ask the chairman direct the witness to answer the question.

Mr. NEEDLEMAN. That was already gone into.

Mr. ARENS. Counsel knows that his sole and exclusive prerogative is to advise his client.

Mr. LAZAR, the question is: Do you deny that your name is also Lawrence?

Mr. MOULDER. The witness is directed to answer the question.

Mr. LAZAR. I have already answered that question previously on the grounds of the first and the fifth amendments.

Mr. MOULDER. Do you mean you decline to answer by claiming and invoking the first and fifth amendments?

Mr. LAZAR. Yes, sir.

Mr. ARENS. We have a copy of a clipping from the New York Times of March 8, 1958, entitled "Three State Reds Resign," and I am going to read part of it:

Three officials of the New York State Communist Party have resigned their posts—

I am not reading it all; I am only giving you excerpts. The article states that among those who are resigning—these three State Reds—is one "William Lawrence, treasurer."

Mr. LAZAR, we want you to tell us, after you look at that article, whether or not you are now, at this moment, a Communist.

(The witness conferred with his counsel.)

Mr. LAZAR. Mr. Chairman, would you permit me to ask counsel just how would it serve our Nation if you knew whether I am or am not a member of the Prohibition Party?

Mr. ARENS. Prohibition Party?

Mr. LAZAR. Or any party.

Mr. ARENS. We think there is a distinction to be made between the Prohibition Party, the Republican Party, the Democratic Party, and the Communist Party. We believe there is abundant evidence developed by congressional committees, developed by the Subversive Activities Control Board, developed by the Federal Bureau of Investigation, by numerous patriotic organizations, such as the American Legion, the Veterans of Foreign Wars, and numerous comparable organizations, which establishes conclusively that the Communist Party is not a political party in any sense of the word, but that the Communist operation in the United States uses this facade behind which it operates so that it can come before the courts and can come before congressional committees and assert the position that they are only a political group, a political organization. That is the distinction.

Now, would you kindly answer the outstanding question.

Mr. SCHERER. The witness said a few minutes ago it was a covered wagon that built this Nation. The Communist conspiracy is the covered wagon which will destroy this Nation.

Mr. ARENS. Now, would you kindly answer the question.

Mr. LAZAR. Yes; but you still did not tell me how would it benefit our country if you knew whether I am or am not a member of the Communist Party.

Mr. ARENS. I respectfully suggest that the witness be ordered and directed to answer that last outstanding question.

Mr. LAZAR. You know, Mr. Chairman, this reminds me of a cartoon that appeared in yesterday's New York Post.

Mr. MOULDER. That is not in response to the question. The witness is directed to answer the question asked by counsel.

Mr. LAZAR. In other words, all you want is the truth as you see it.

Mr. ARENS. Kindly answer the question.

Mr. MOULDER. You know the truth and the question has been asked you.

Mr. LAZAR. What is the question again, please?

Mr. ARENS. The question is: Are you now, at this moment, a Communist?

Mr. LAZAR. I decline to answer on the grounds of the first and fifth amendments.

(Document marked "Lazar Exhibit No. 1" and retained in committee files.)

Mr. ARENS. I suggest in the presence of this witness another witness be sworn. Mr. Lautner, would you kindly come forward and be sworn?

Mr. MOULDER. Do you solemnly swear that the testimony you are about to give before this subcommittee of the House Committee on Un-American Activities of the United States Congress will be the truth, the whole truth, and nothing but the truth, so help you God?

Mr. LAUTNER. I do.

TESTIMONY OF JOHN LAUTNER

Mr. ARENS. Will you kindly identify yourself by name, residence, and occupation?

Mr. LAUTNER. My name is John Lautner, and I live in Youngstown, Ohio. I am a Government consultant.

Mr. ARENS. You have on our record previously given a recitation of your career in the Communist Party; have you not?

Mr. LAUTNER. That is correct.

Mr. ARENS. I expect later today to interrogate you at some length with respect to the use by the Communist conspiracy in the United States of persons in the entertainment industry—

Mr. NEEDLEMAN. May I say the press is violating your admonition.

Mr. ARENS. —for the purpose of promoting communism and the Communist conspiracy in the United States.

For the moment, I should like to ask you whether or not you have been at any time in the high echelon of the Communist operation in the United States.

Mr. LAUTNER. I was a State functionary in the New York State organization of the Communist Party. I was also on various national commissions of the Communist Party. I was district organizer of the Communist Party. If you call that a high echelon, then it is.

Mr. ARENS. Over what period of time were you in the Communist operation in the United States?

Mr. LAUTNER. From 1929 up to 1950.

Mr. ARENS. During the course of your service in the Communist Party did you know as a Communist a person by the name of Bill Lawrence, alias Israel Lazar?

Mr. LAUTNER. I knew him as Bill Lawrence in the Communist Party.

Mr. ARENS. Do you see in the courtroom now the person known by you while you were in the Communist Party as Bill Lawrence?

Mr. LAUTNER. Yes.

Mr. ARENS. Would you kindly point that person out to the committee at this time?

Mr. LAUTNER. He is sitting at the witness table.

Mr. NEEDLEMAN. Am I to understand you are going to permit this?

Mr. ARENS. Mr. Lautner, would you kindly tell the committee briefly what function this man who is seated in the witness chair whom you knew as Bill Lawrence, performed in the Communist Party?

Mr. LAUTNER. When I first became acquainted with Bill Lawrence he was a section organizer of the Communist Party in New York. He was a section organizer of Section 10, Queens.

Mr. MOULDER. What year was that?

Mr. LAUTNER. This was in the years 1933, 1934, and 1935. I was a section organizer, likewise, in a different section of the party at that particular period. We used to go to weekly section organization meetings for a number of years together. If my recollection is correct, in 1935, somewhere around 1935, Bill Lawrence became the section organizer of the Communist Party in the needle trades; and I think he was in that capacity at the time I left New York City. I was in West Virginia from 1936, April, up to the end of 1940. I used to come in to New York three times a year to national committee meetings.

At that particular time, Bill Lawrence was functioning in the capacity of State executive secretary of the Communist Party of New York State under the leadership of Gil Green. He functioned in that capacity, I think, up to 1945. At the emergency convention in 1945, there was a leadership change in New York State and he

left that capacity as executive secretary of the New York State organization.

After that he was assigned as the general manager of the Daily Worker, in 1946 and parts of 1947. He was released from that position as general manager of the Daily Worker and he became State chairman of the Civil Rights Congress in New York.

I was back in New York in 1945, and we sat in quite a number of meetings in the New York State Organizational Commission of which I was a member, and on many occasions we discussed the issues and problems pertaining to the Civil Rights Congress—the question of finances, raising money for Civil Rights Congress purposes, the party support, and involvement in the problems of the Civil Rights Congress during that particular period.

I left the party January 17, 1950. After that period Bill Lawrence was drawn back into the State leadership again under the leadership of George Charney Blake, and he was connected with organizational work in the State organization and later on as treasurer when the resignation appeared in the New York Times.

That, in brief, is my association and knowledge of Bill Lawrence.

Mr. ARENS. Although I expect to get into this subject matter with you at some length later on, I want for the present to have the record reflect testimony on this issue: Are there Communists who are not technical members of the organization known as the Communist Party?

Mr. LAUTNER. There are Communists. Some are technically members of the party. Most of them are wait-and-see Communists. They are Communists. Technically they do not pay dues. They may make contributions. They have differences with the present line of the party, tactical differences, but nothing in substance, just tactical differences. They think they have a better approach than the official line of the Communist Party; that the official line is a liability today; that the Soviet Union made too many mistakes to be palatable to the America people and the American working class; they would be much better off if they could shed that later on. Later on they will meet again but right now it is a liability; and therefore the present techniques of the party are wrong and there are a lot of Communists who have this line at the present time.

Mr. ARENS. Are they still in the conspiratorial international apparatus for the purpose of communizing the world and of overthrowing this Government by force and violence?

Mr. LAUTNER. Of course they are.

Mr. ARENS. I would like to suspend with Mr. Lautner's testimony at this time and proceed with Mr. Lawrence, and then resume with Mr. Lautner.

Mr. MOULDER. You are temporarily excused. You will be recalled as a witness, Mr. Lautner.

TESTIMONY OF WILLIAM LAZAR—Resumed

Mr. ARENS. Mr. Lawrence—Excuse me, Mr. Lazar.

You have just heard the testimony of Mr. Lautner stating in effect that up until 1950, while he was in the high echelon in the Communist Party, he knew you as a member of the Communist Party and as a

high functionary of the Communist Party. We want to afford you an opportunity now, sir, while you are under oath to deny that testimony. Do you care to avail yourself of that opportunity?

Mr. LAZAR. I have too much self-respect to debase myself on testimony of informers and paid stoolpigeons.

Mr. SCHERER. Irrespective of the fact—of course I think Mr. Lautner is a patriotic American and he has rendered a valuable service to the United States—but irrespective of the fact that you think he might be a stoolpigeon, is he telling the truth?

Mr. LAZAR. I think he might be.

Mr. SCHERER. Is he telling the truth about you or is he lying to this committee?

I assure you if you say he is lying, I am going to ask that the committee refer both your testimony and his testimony to the Department of Justice, so now you have the opportunity, if this man you called a stoolpigeon—

Mr. LAZAR. I decline to answer the question on the grounds of the first and fifth amendments.

Mr. SCHERER. I thought you would.

Mr. ARENS. Now, sir, kindly tell us what was your last principal employment prior to the employment which you presently have?

(The witness conferred with his counsel.)

Mr. LAZAR. I decline to answer that on the grounds of the first and fifth amendments.

Mr. ARENS. How long did this last principal employment which you had endure?

Mr. LAZAR. I decline to answer that on the grounds of the first and fifth amendments.

Mr. ARENS. We started with your present employment. What was the employment you had prior to this, which we shall call your No. 1 employment?

Mr. LAZAR. Counsel, you are getting me slightly confused. You are asking in terms of numbers, 1, 25—frankly, I don't know what you are talking about.

Mr. ARENS. You have had employment prior to your present employment, is that correct?

Mr. LAZAR. Do you mean was I working?

Mr. ARENS. Yes, sir.

Mr. LAZAR. Off and on, and when I had a chance to work I worked and when I got tired I got another job.

Mr. ARENS. Did you work as general manager of the Daily Worker, as Mr. Lautner stated?

Mr. LAZAR. I decline to answer that on the grounds of the first and fifth amendments.

Mr. ARENS. Were you cultural director or cultural commissar of the Communist Party?

Mr. LAZAR. What is that?

Mr. ARENS. Mr. Chairman, I respectfully suggest that the witness be ordered and directed to answer the question.

Mr. MOULDER. The witness is directed and ordered to answer the question if he knows.

Mr. LAZAR. Mr. Chairman, I am sure you expect an intelligent answer. I must comprehend. I must understand the question. I am merely asking counsel for clarity.

Mr. MOULDER. Do I understand you to say that you do not know what cultural director is, or was, in the Communist Party?

Mr. LAZAR. Yes, I want the counsel to tell me what he is talking about.

Mr. MOULDER. The question is, do you know what the cultural director was, or is, in the Communist Party?

Mr. LAZAR. No, I do not know.

Mr. ARENS. Did you have charge of cultural activities for the Communist Party?

(The witness conferred with his counsel.)

Mr. LAZAR. I decline to answer on the grounds of the first and fifth amendments.

Mr. ARENS. Do you know a man by the name of Joseph Klein?

Mr. LAZAR. I decline to answer on the grounds of the first and fifth amendments.

Mr. ARENS. Joseph Klein swore before this committee in April 1954 that he knew you as a "political commissar for the International Brigade" in the Spanish Civil War. Was he in error on that statement?

Mr. LAZAR. I decline to answer on the grounds of the first and fifth amendments.

Mr. ARENS. Have you ever traveled abroad since you became a citizen of the United States?

Mr. LAZAR. Same answer, sir, first and fifth.

Mr. ARENS. Have you ever applied for a United States passport?

Mr. LAZAR. I decline to answer on the grounds of the first and fifth amendments.

Mr. ARENS. Do you now have information regarding the use to which members of the Communist conspiracy place passports in the operation of the international conspiracy?

Mr. LAZAR. I decline to answer on the grounds of the first and fifth amendments.

Mr. ARENS. We have testimony likewise of a man by the name of William C. McCuiston that you, while one of the functionaries in a certain operation of the Communist Party, arranged for a passport for McCuiston to go abroad while he was a functionary in the Communist Party. Was he in error on that testimony?

Mr. LAZAR. Would you permit me for a moment to address the Chairman?

Mr. MOULDER. Certainly.

Mr. LAZAR. I would appreciate it if you would ask the photographers to not trouble me because I am forced to sit sideways. I know it is a free country. They have a right to take pictures.

Mr. MOULDER. The photographers are instructed and directed not to take pictures of this witness while testifying.

You may be assured that no pictures will be taken while you are on the witness stand.

Mr. ARENS. If Mr. McCuiston swore before this committee in 1939 that you arranged the matter of his passports, was he in error on that testimony?

(The witness conferred with his counsel.)

Mr. LAZAR. Counsel, I do not believe I know who you are talking about.

Mr. ARENS. Perhaps it would refresh your recollection if I asked Mr. Appell to read excerpts of his testimony.

Mr. LAZAR. Do you have a picture of him?

Mr. ARENS. No.

(Document handed to witness.)

Mr. LAZAR. I decline to answer that question on the grounds of the first and fifth.

Mr. ARENS. Tell us, sir: Have you been active in the development of an organization known as the National Council of the Arts, Sciences, and Professions?

Mr. LAZAR. I decline to answer that on the grounds of the first and fifth amendments.

Mr. ARENS. Can you help this committee by giving us information respecting present Communist activities in the entertainment industry in the New York area by members presently active in the party?

Mr. LAZAR. Would you please repeat that question?

Mr. ARENS. Do you have information now, sir, respecting persons known by you to be Communists who are in the entertainment industry?

(The witness conferred with his counsel.)

Mr. LAZAR. I decline to answer on the grounds of the first and fifth amendments.

Mr. ARENS. Mr. Chairman, I respectfully suggest that we conclude the staff interrogation of this witness. I respectfully suggest now if it meets with the Chairman's approval—

Mr. SCHERER. I am going to ask that the committee refer the testimony of this witness to the Department of Justice to determine whether or not denaturalization proceedings can be instituted.

Mr. MOULDER. The witness is excused. Call your next witness, Mr. Arens.

Mr. ARENS. Paul Mann, kindly come forward.

Mr. MOULDER. Do you solemnly swear that the testimony you are about to give before this subcommittee of the House Committee on Un-American Activities of the United States Government will be the truth, the whole truth, and nothing but the truth, so help you God?

Mr. MANN. I do.

TESTIMONY OF PAUL MANN (YISROL PAUL MANN LIBMAN), ACCOMPANIED BY COUNSEL, ISIDORE G. NEEDLEMAN

Mr. ARENS. Kindly identify yourself by name, residence, and occupation.

Mr. MANN. Would you wait just one moment, please?

My name is Paul Mann. My full legal name is Yisrol Paul Mann Libman.

Mr. ARENS. Kindly spell your name.

Mr. MANN. There is a little noise. As soon as you get it quiet I will be able to speak.

My full name is spelled Yisrol, Y-i-s-r-o-l, Paul, P-a-u-l, Mann, M-a-n-n, Libman L-i-b-m-a-n.

Mr. ARENS. Your residence and occupation, sir, for the purpose of identification?

Mr. MANN. I live in New York City. I am an actor, director, and teacher by occupation.

Mr. ARENS. You are appearing today, Mr. Mann, in response to a subpoena which was served upon you by the House Committee on Un-American Activities?

Mr. MANN. Yes.

Mr. ARENS. You are represented by counsel?

Mr. MANN. Yes.

Mr. ARENS. Counsel kindly identify yourself.

Mr. NEEDLEMAN. Isidore G. Needleman, 165 Broadway, New York, N. Y.

This witness, too, has a short 2-minute statement with respect to the challenge to the jurisdiction of this committee.

Mr. MANN. I challenge the jurisdiction of the House Committee on Un-American Activities to question me and to conduct this investigation of theater people, basing myself on the Supreme Court decision in the Watkins case.

The way to build the American theater is to subsidize it—not to investigate it. Our country is in need of a national theater, and not of censorship and blacklist.

In commanding me to appear before it today, the House Committee on Un-American Activities is ignoring and flagrantly violating the Supreme Court decision in the Watkins case, which is in its entirety a strong judicial rebuke to this committee.

I challenge the jurisdiction of this committee to question me upon all the grounds set forth in the Watkins decision, and specifically because the Supreme Court points out—

First. That the committee's powers are too vague and undefined.

It would be difficult to imagine a less explicit authorizing resolution. Who can define the meaning of "un-American"?

Second—

Investigations conducted solely for the personal aggrandizement of the investigators or to "punish" those investigated are undefensible.

Third. No legitimate and specific legislative purpose is being served:

Protected freedoms should not be placed in danger in the absence of a clear determination by the House or the Senate that a particular inquiry is justified by a specific legislative need.

This committee knows that the Congress is forbidden by the first amendment of the Constitution to make any laws infringing on the American theater. Where the Congress cannot legislate, this committee knows well that it is forbidden to investigate—nevertheless, you continue to do so.

This committee's absolute disregard of the first amendment and of the Supreme Court's decision is further demonstrated by the fact that you had previously compelled me to appear before you in closed session; that you had at that time every opportunity to question me, to conduct your "investigation"—and nevertheless you force me again to appear before you today. Your purpose is plain—again blatantly disregarding the law, you wish to publicly punish me, to smear me, and by example to attempt to intimidate other theater people.

Brooks Atkinson, in the New York Times, says: "Ignorant heresy hunters and bigoted character assassination" are draining "the vitality out of the American theater."

This committee has investigated nearly everybody—from Shirley Temple at the age of 10 to ex-President Truman. You boast of having a million names in your files. Only support of, and subservience to, this committee is accepted by you as your standard of Americanism.

This committee, together with its blacklisting allies, Aware, Inc., Counterattack, and Red Channels, wants to control the casting for the American theater. You want your standards to determine who shall be permitted to act, direct, sing, dance, and play music in the American theater—even to dictate policy on plays and productions.

Whoever disagrees with you or does not conform to your way of thinking is blacklisted, deprived of his livelihood, smeared and publicly inquisitioned, or threatened, like Cyrus Eaton, with a subpoena. All, to a greater or lesser degree, are labeled un-American. "What is un-American?", asks the Supreme Court. Anything that this committee didn't like had been the answer for many, many years. But that day is now clearly over. The American theater people are sick of this committee; Actors' Equity rejects all blacklisting; and now with the Supreme Court decision, the many intimidated people will be strengthened to stand up and fight you back.

The theater needs no certificate of Americanism to make it legitimate—the legitimate theater already exists and will continue to exist without this committee. As a member of the American theater I need no seal of approval from this committee.

My Americanism is demonstrated by the fact that for 23 years I have worked as a professional actor, director, and teacher in the theater and my work has been judged and accepted by the American theater community—the audience, the critics, the producers, and my fellow artists. I submit myself and my daily work to their standards of Americanism and not to the McCarthyite standards of this committee.

Further, my American citizenship had to be earned, and I am proud to have passed the judicial tests that made me a citizen of the United States. As a former British subject, born in Canada, I had to study American history to learn how the Constitution and Bill of Rights came into being and to understand the rights that I now have as an American. It is because I understand clearly the meaning of these historic documents, which define the true American way of life, that I now stand in opposition to the House Committee on Un-American Activities.

I refuse to permit the standards and political views of this committee (composed of politicians elected for a temporary term) to supplant the Constitution of the United States and its Bill of Rights, and to hack away at the culture of my country.

For all these reasons I demand that my challenge to the jurisdiction of this committee based on the Supreme Court decision in the Watkins case be recognized—that my subpoena be vacated—and that I be permitted to return to my legitimate work in the free American theater.

Now I would like to hear your answer, sir.

MR. MOULDER. The Chair wishes to announce that in the event of any more demonstrations on the part of any person in the committee hearing room in support of or against the committee, or in support of or against the witness, such person will be removed from the hearing

room. We will not tolerate such demonstrations either way, for or against these proceedings.

The witness has been given, I would say, more than the reasonable time allowed in an opportunity to challenge the jurisdiction of this committee, but instead of giving legal causes or reasons for challenging the jurisdiction of the committee, he has been permitted to make a very strong rabble-rousing communistic speech.

Mr. MANN. I beg your pardon.

Mr. MOULDER. The committee will be in order.

The Chair, Mr. Arens, requests that you advise the witness of the purpose and objectives of this hearing, and particularly of the questions you are about to ask him.

Mr. ARENS. Would you permit me to hold that advice until I have him qualified as to his appearance under the subpoena?

Mr. SCHERER. I think the printed record will not disclose the attitude of the witness during the time that he made this tirade against the committee. I would like the record to show he was highly contemptuous of the committee in his manner, in his voice at the time he made that statement, reaching the point where he frothed at the mouth.

Mr. ARENS. You are appearing today in answer to a subpoena that was served upon you by the House Un-American Activities Committee?

Mr. MANN. Do I have the right—

Mr. ARENS. Will you kindly answer the question?

Mr. MANN. I wish to answer the question, but Mr. Scherer's characterization and Mr. Moulder's characterization of the contempt and manner of it are their interpretation of it.

Mr. SCHERER. The press saw it and everyone else saw it. You are an actor and you did a good job.

Mr. MANN. I don't need any critical acclaim from you in that field. You are incompetent in that field.

Mr. ARENS. Are you appearing today in response to a subpoena served upon you by the House Committee on Un-American Activities?

Mr. MANN. I am.

Mr. ARENS. You are represented by counsel?

Mr. MANN. I am.

Mr. ARENS. Will counsel kindly identify himself?

Mr. NEEDLEMAN. I think we went over this before.

Mr. SCHERER. I can see your fine handiwork in that statement.

Mr. NEEDLEMAN. I had nothing to do with drafting that statement and I resent that insinuation.

Mr. ARENS. Do you represent Paul Mann?

Mr. NEEDLEMAN. I do. My name is Isidore G. Needleman.

Mr. ARENS. I propose to explain your purpose before this committee and the purpose of the hearings which are presently in process here in this court room.

Mr. MOULDER. Preceding that, would you briefly explain the legislation which this committee has considered and reported and has been adopted by the Congress of the United States?

Mr. ARENS. I will touch on that right away, if you please, Mr. Chairman.

The Committee on Un-American Activities has instigated virtually all of the security legislation on the Federal books since its inception. This legislation includes, among other things, the Internal Security Act of 1950, the Communist Control Act of 1954, numerous amendments to the criminal and espionage code, amendments to the Foreign Agents Registration Act.

It has, in addition, made numerous recommendations for administrative action to be taken by the executive departments in undertaking to cope with this menace of the Communist operation. It has pending before it at the present time a number of legislative proposals including H. R. 9937, which was introduced by the chairman of the committee for the purpose of plugging loopholes in the present law which copes, or attempts to cope, with the Communist operation in the United States.

One of the phases of the work of the Committee on Un-American Activities deals with Communists who have penetrated the entertainment industry and who have used people in the entertainment industry for the purpose of promoting Communist fronts in the furtherance of the foreign policy not of the United States but of the Soviet Union, who have collected money from prominent persons in the entertainment industry to be used to finance Communist operations in the United States.

It is our information, sir, that you are a member of the Communist Party. It is our information, sir, that you have been or are the owner and operator of an actors workshop.

It is our information that over the course of the last several years, as will be revealed to you here in exhibits, you have been a promoter of many of the Communist activities in this vicinity and in this area and that, on the basis of the extensive experience which you have had in the Communist Party and in the promotion of Communist activities, all in the furtherance of the godless, atheistic conspiracy directed from Moscow, you have information which, if you will tell this committee, will be valuable to the committee in assessing a great number of legislative proposals which are pending before the committee, and, likewise, in assessing the administration, operation, and function of existing Federal statutes.

Now with that explanation, if it meets with the approval of the chairman, I should like to ask you, first of all, are you now a member of the Communist Party?

Mr. MANN. I will answer your question. It is a difficult question because it had such a strong and interesting preamble to it which consists, really, of about 20 others, but I imagine you bring them up. I answer your specific question in this way:

The strength of the Constitution lies entirely in the determination of every citizen to defend it.

Mr. MOULDER. I will rule in this respect. You were given an opportunity to make a preamble statement yourself in very violent and loud terms. The committee has been tolerant in that respect. We will not tolerate any exhibitions or displays in response to the question.

You can either answer "Yes" or "No", or claim your privileges under the Constitution without a lengthy tirade.

Mr. MANN. Then I decline to answer on the grounds of the first amendment and further decline to answer under the protection of

the fifth amendment and I wish to emphasize that there is no inference to be drawn as to whether I am, was, or was not a member of the Communist Party.

Mr. ARENS. When and where were you naturalized, please, sir?

Mr. MANN. In the southern district court in 1945, February 28 is the exact date.

Mr. ARENS. Of what year?

Mr. MANN. Of 1945.

Mr. ARENS. As of the time of your naturalization, were you a member of the Communist Party?

Mr. MANN. I decline to answer that question on the grounds previously stated, the first and fifth amendments.

Mr. ARENS. Where were you born?

Mr. MANN. I was born in Toronto, Canada.

Mr. ARENS. When?

Mr. MANN. December 2, 1913.

Mr. ARENS. When did you enter the United States for permanent residence?

Mr. MANN. May I ask the specific legitimate purpose of that question?

Mr. ARENS. Yes, sir. I will be as specific as possible. Among other things, the Committee on Un-American Activities has pending before it legislation which would plug certain loopholes in the immigration and naturalization laws.

In order to ascertain factual situations which can be applied and appraised against the proposals which are pending in the committee, it is of keen interest and, indeed, of necessity, that the committee acquire information respecting people who are Communists or have been Communists who have been processed in the immigration system.

It is our information that you are a Communist. It is our information that you were probably a Communist at the time you were naturalized as a citizen of the United States.

Therefore, it behooves this committee in undertaking to develop factual information in this case, to be used in connection with other cases of similar content, to ascertain whether or not you were a Communist as of the time you came into the United States.

To do so, we have to find out when you came into the United States. Now, kindly answer the question.

Mr. TUCK. The record should show that the witness has been in the hearing room since 10 o'clock this morning and has heard statements made as to the objectives and purposes of this committee.

Mr. NEEDLEMAN. The witness may have been in the room and not paid any attention to that.

Mr. ARENS. Your sole and exclusive responsibility is to advise your client. Your prerogative is not to advise the committee.

Mr. MANN. In explanation, I have paid very close attention and very respectful attention, as I should to this committee, and I have not been able to understand, frankly, some of the questions, and I really do not even quite see yet the answer of this, because I asked the specific legislative purpose of this and it is my understanding that the director here has said that in relationship to other cases—is that in relationship to cases of legislation or what?

Mr. ARENS. Cases of Communists who have been violating the immigration laws, who have been making false affidavits in attempting

to procure naturalization, who have been lying to the State Department in order to procure passports and the like.

Now, sir, would you kindly answer the question, When did you enter the United States?

(The witness conferred with his counsel.)

Mr. SCHERER. I have an additional reason for wanting to know it, particularly in your case. I am going to see that the Department of Justice gets the transcript of this testimony. I am going to make a personal request, even if the committee should decide not to, that the Department of Justice determine whether or not denaturalization proceedings should be commenced in your case because of your activities in the Communist Party.

Mr. MANN. Is that a legislative function of this committee?

Mr. SCHERER. I said that is the additional reason of this committee member—

Mr. MANN. You are threatening me.

Mr. SCHERER. You can take it as you like.

Mr. MANN. I will stand on my privileges of the first and fifth amendments. I decline to answer the question on the first and appearing before this committee, I have a reasonable apprehension that the answer may tend to incriminate me and so I avail myself of the protection of the fifth.

Dean Griswold of the Harvard Law School stated that one of the purposes of the fifth amendment is to protect the innocent and taking it bears no inference of guilt.

Mr. ARENS. Will you tell us whether or not you have ever applied for a United States passport?

Mr. MANN. What is the legislative purpose of that question?

Mr. ARENS. I think it is very clear. The Committee on Un-American Activities has presently pending before it H. R. 9937 which, among other things, would preclude the issuance of passports to members of the international Communist conspiracy.

Mr. MANN. Members of the international Communist conspiracy?

Mr. ARENS. Yes, sir. And for the purpose of developing factual information, we would like to know whether you have ever applied for a United States passport.

Kindly answer the question.

(The witness conferred with his counsel.)

Mr. MANN. I will take the first and the fifth amendments.

Mr. ARENS. We should like to display to you a photostatic reproduction of an application for a passport issued to you January 20, 1950, under the name of Yisroel Paul Mann Libman—

Mr. MANN. That is the name I gave you before.

Mr. ARENS. The application states, among other things, that you want to go to England, France, Italy, Poland, and Israel for the purpose of studying theater production methods, to find plays for possible American production, and the like.

Kindly look at the photostatic reproduction of this application and, if you please, sir, at the signature appearing on the second page. Then tell this committee whether or not that signature is your signature.

(The document was handed to the witness.)

(The witness conferred with his counsel.)

Mr. MOULDER. Let the record show that the witness and counsel are examining the document which was handed to them.

Mr. MANN. I decline to answer that question on the ground of the first and fifth amendments.

(Document marked "Mann Exhibit No. 1" and retained in committee files.)

Mr. ARENS. You will observe the countries to be visited appear as follows: England, France, Italy, Poland, Israel. The purpose is: To study theater productions; to find plays for possible American production.

With that in mind, I should like to lay before you a thermofaxed reproduction of a photograph on page 9 of Czechoslovakian Life of August 1950. Under the photograph appears the following language: "Delegates to the Fifth International Film Festival held at Karlovy Vary."

Reading from left to right are a number of people, including an actor and theater director, Paul Mann, United States, and there is a picture at the right that looks very much like your physical appearance today.

Kindly look at that picture and tell us whether or not you did go to Czechoslovakia and did participate in that film festival as recited in the language appearing under that photograph.

Kindly look at the exhibit and the language and respond to the question which is outstanding.

Mr. MANN. I must decline to answer on the grounds of the first and fifth amendments.

(Document marked "Mann Exhibit No. 2" and retained in committee files.)

Mr. ARENS. I put it to you as a fact, and ask you to affirm or deny while you are under oath, that notwithstanding that you submitted an application to the Department of State to travel abroad and did not list Czechoslovakia as one of the countries to be visited, and did not list the purpose of participating in the Fifth International Film Festival, you did, in the year 1950, go to Czechoslovakia on a United States passport as a Communist and did participate in the Fifth International Film Festival.

If that is not true, please deny it while you are under oath.

Mr. MANN. The first and fifth amendments.

Mr. MOULDER. You claim the privilege of the first and fifth?

Mr. MANN. Yes. I am accepting your words. I am just declining.

Mr. ARENS. Mr. Chairman, I respectfully suggest that these exhibits be incorporated by reference into the record.

Mr. MOULDER. So ordered.

Mr. ARENS. As of the 10th day of January 1950—which is the date the passport application was sworn to—as of that date, were you a member of the Communist Party?

Mr. MANN. I decline to answer that question on my privileges under the first amendment and my constitutional privileges under the fifth amendment.

Mr. ARENS. Have you ever been in receipt of a communication from the Department of State requesting you to surrender your United States passport?

(The witness conferred with his counsel.)

Mr. MANN. The fifth amendment on the answer to that question.

Mr. ARENS. Now, Mr. Mann, I display to you a photostatic reproduction of a letter dated January 20, 1954, which was received by the

Department of State on a letterhead of Yisrol Libman, 36 West 84th Street, New York. Interlined between the name "Yisrol" and "Libman" appear the words "Paul Mann."

GENTLEMEN: As requested I am sending you our passports; numbered 173054 in the name of Jennie Shaludel Libman, known also as Ann Shepherd Mann (my wife)—and mine, 176643, in my full name, Yisrol Paul Mann Libman—

and it is signed, "Yisrol Paul Mann Libman."

Kindly look at the photostatic reproduction of this letter and tell this committee whether or not that bears a true and correct reproduction of your signature.

(The witness conferred with his counsel.)

Mr. MANN. I will take my privilege under the fifth amendment.

(Document marked "Mann Exhibit No. 3," and retained in committee files.)

Mr. ARENS. I observe that the hour is now 20 minutes after 12. We have still a number of questions to ask of this witness, and I appreciate the fact that we might keep the committee here an inordinate period of time before we conclude. Therefore, I suggest the committee recess at this time, and we will resume with this witness after the luncheon period.

Mr. NEEDLEMAN. May I be heard?

Mr. MOULDER. Certainly.

Mr. NEEDLEMAN. I have a matter at 2 o'clock and that is the reason I ask the indulgence of this committee.

Mr. MOULDER. All right, we will proceed.

Mr. ARENS. I believe we can finish in 15 minutes.

Are you the owner and operator of the Actors Workshop?

Mr. MANN. In my specific challenge to this committee, which was, by the way, founded on the Watkins decision and was not a harangue as has been indicated, I said that one of the things that happens is that you wish to smear people and that you ask questions which have no relevance. I would like to know the specific relevance of that question.

Mr. TUCK. We have already been subjected to two, long, contumacious speeches by this witness and I request that he be directed to make his answer responsive to the question.

Mr. MOULDER. The witness has heard the statement made by Governor Tuck and you are so directed and ordered to make a direct response to the question.

Mr. MANN. I decline to answer this question on the grounds of the first and fifth amendments.

Mr. ARENS. We display to you now, an original advertisement, "Paul Mann Actors Workshop. Courses in acting technique; professional actors workshop theatre, 1129 Avenue of the Americas, New York 36, N. Y. Day or evening classes. Enrollment limited."

Kindly look at that advertisement—

Mr. MANN. I decline to answer that question on the grounds of first and fifth amendment and if that is not interference in the theater and teaching the theater, I do not know what it is.

(Document marked "Mann Exhibit No. 4," and retained in committee files.)

Mr. ARENS. Tell this committee whether or not that advertisement restates the facts in connection with your activities with this workshop.

Mr. MOULDER. The witness has examined the document.

Mr. MANN. I refuse to answer on the grounds stated.

Mr. ARENS. Where are you employed?

Mr. MANN. I decline to answer on the grounds of the first and fifth amendment.

Mr. ARENS. Are you connected with the Neighborhood Playhouse?

Mr. MANN. I decline to answer that on the grounds of the first and fifth amendment.

Mr. ARENS. What is the Neighborhood Playhouse?

(The witness conferred with his counsel.)

Mr. MANN. You have the answer to that in the record, as I recall. We had a previous hearing.

Mr. ARENS. Would you put it on this record? What is the Neighborhood Playhouse?

Mr. MANN. I am a little bit apprehensive about what you are trying—

(The witness conferred with his counsel.)

Mr. MANN. The Neighborhood Playhouse is one of the most distinguished names in the history of the American theater.

Mr. ARENS. Tell us a word about it. What is it?

Mr. MANN. I think it is a matter of public record in any theater book.

Mr. ARENS. Would you kindly accommodate the committee.

Mr. MANN. The Neighborhood Playhouse has been in the history of the American theater, a great and important theater, and that, I think, is sufficient to answer your question as to what is the Neighborhood Playhouse.

Mr. ARENS. Have you belonged to the Neighborhood Playhouse?

You see, it is our information that this is a fine group or has been a fine group and we want to know about Communists who have been penetrating it. You have been identified with—

Mr. MANN. The first and fifth amendments.

Mr. ARENS. Are you connected, or have you been connected, with the Voice of Freedom Committee?

(The witness conferred with his counsel.)

Mr. MANN. I don't recall.

Mr. ARENS. We should like to display to you, sir, a thermofaxed reproduction of two items from the Communist Daily Worker, with reference to the Voice of Freedom Committee in which the name of Paul Mann appears as one of the speakers, in one instance; and as one of the actors in another instance.

Kindly look at those two exhibits as Mr. Appell displays them to you and tell us whether or not the information contained in them is true and correct.

(The witness conferred with his counsel.)

Mr. MANN. First and fifth amendments.

Would it be correct for me to say—I am not trying to hamper anything—but there are so many lists of so many organizations, and many of these organizations have very honorable purposes, but, nevertheless, they are considered by this committee to be subversive, and I am apprehensive before this committee of involving myself, in view of the things you said before about trying to make some kind of master file or list—I don't remember exactly what you said.

Mr. ARENS. Just answer this question, if you please, sir. According to one of the exhibits from the Communist Daily Worker you were one of the actors in The Case of the Loaded Mike. Did you get paid for that performance or was that a nonpaid production?

(The witness conferred with his counsel.)

Mr. MANN. I am compelled to take the first and fifth amendments.

Mr. ARENS. You are under no compulsion at all to take the first and fifth amendments.

Mr. MANN. It is quite plain that one must be apprehensive of many things before this committee and I am apprehensive and I am taking the first and fifth amendments.

(Documents marked "Mann Exhibits Nos. 5 and 6," and retained in committee files.)

Mr. ARENS. Have you expressed yourself with reference to this committee in the form of any trip that you have taken to Washington to protest the committee?

Mr. MANN. I would like to ask you, would there be anything wrong in an American going to Washington to protest this committee or any committee of the United States?

Mr. ARENS. Not unless it were controlled and dominated by the Communist Party.

Mr. MANN. I am under the dictates of my conscience, and my Americanism has been decided by immigration authorities and the people in my field and I do not consider you as an authority per se.

You have your opinions and I have opinions, and I have a right to so do.

Mr. MOULDER. The witness is directed to answer the question and not argue with counsel.

Mr. ARENS. Kindly answer this question, sir. Are you identified in this exhibit which Mr. Appell will now display to you as one of a number of persons whose picture appears in this publication who was going in a delegation to Washington to protest the Un-American Activities investigations dealing with the Communists in Hollywood?

(The witness conferred with his counsel.)

Mr. MANN. I will take the first and fifth amendments.

(Document marked "Mann Exhibit No. 7", and retained in committee files.)

Mr. ARENS. Did the Communist Party, to your certain knowledge, organize and promote this delegation which went to Washington masquerading as patriotic citizens to protest the Un-American Activities Committee?

Could you answer that question?

Mr. MANN. It is a difficult question to answer because you have a lot of editorial comment in it so I do not know what the question is.

Would you simplify the question?

Mr. ARENS. Did the Communist Party organize the delegation that went to Washington to protest the Committee on Un-American Activities during the time of the investigation of the Communists in Hollywood?

Mr. MANN. I don't know.

Mr. ARENS. Who asked you to go?

Mr. MANN. I take the fifth amendment.

Mr. ARENS. Were you a Communist at that time?

Mr. MANN. First and fifth amendments.

Mr. ARENS. Have you been in Poland in the course of the last few years?

Mr. MANN. In the course of the last few years?

Mr. ARENS. Say, since 1950, have you been in Poland?

Mr. MANN. What is the legislative purpose of that question?

Mr. ARENS. The use of passports by Communists. It has been explained repeatedly.

Mr. MANN. First and fifth amendments.

Mr. ARENS. We should like to display to you now, sir, if you please, a photostatic reproduction from the Daily Compass of October 16, 1950. This article states Paul Mann, actor, director, and teacher of acting, and his wife had just returned from England, France, Italy, Czechoslovakia, and Poland.

The article also states that Paul Mann, while in England, was in consultation with a man by the name of Sean O'Casey.

Mr. MANN. What was that last name?

Mr. ARENS. Sean O'Casey.

Mr. MANN. He is one of the great people of the theater, and the correct pronunciation of his name is Shawn O'Casey.

Mr. ARENS. When did you last see him?

(The witness conferred with his counsel.)

Mr. MANN. I will take the first and fifth amendments.

(At this point, Mr. Moulder left the hearing room.)

Mr. ARENS. Did you bring back greetings from Mr. O'Casey with respect to the Communists who were in jail at that time?

Mr. MANN. I will take the first and fifth amendments.

(Document marked "Mann Exhibit No. 8," and retained in committee files.)

Mr. ARENS. Mr. Chairman, we have other exhibits of similar activities by this witness. However, in view of the time element, I respectfully suggest the staff interrogation of this witness be concluded and I suggest, if it meets with the approval of the committee, we recess for lunch.

(Mr. Moulder returned to the hearing room.)

Mr. SCHERER. Mr. Mann, when you made your application for a passport on January 10, 1950, did you tell the truth in that application?

(The witness conferred with his counsel.)

Mr. MANN. Would you please restate the question?

Mr. SCHERER. When you made your application for passport to the Government of the United States, you swore to it, did you not? You took oath on January 10, 1950, that the statements contained therein were true.

Mr. MANN. I am taking the fifth amendment.

Mr. SCHERER. Would you tell us whether you swore to it?

Mr. MANN. I am taking the fifth amendment.

Mr. SCHERER. The fact is that you lied under oath?

Mr. MANN. What you say, sir, is not a fact just because you say it. I have taken the fifth amendment on your question.

Mr. SCHERER. When I say that you lied in this application, am I telling the truth?

Mr. MANN. I am taking the fifth amendment, Congressman Scherer.

Mr. SCHERER. That is all.

Mr. MOULDER. The witness is excused and the hearings will be recessed until 2 o'clock in this room.

Those witnesses who were summoned for this morning will return here at 2 o'clock.

(Whereupon, at 12:40 p. m., the hearing was recessed, to reconvene at 2 p. m. the same day.)

AFTERNOON SESSION, WEDNESDAY, JUNE 18, 1958

Mr. TUCK (presiding). The committee will please come to order. We will now resume this hearing.

Mr. ARENS. Mr. Lautner, would you please come forward and take the witness stand.

Mr. TUCK. The witness was sworn this morning.

TESTIMONY OF JOHN LAUTNER—Resumed

Mr. ARENS. Mr. Lautner, this morning you testified very briefly with respect to your own personal background and career in the Communist Party.

During the course of your career in the Communist Party, did you have occasion to become acquainted with the structural organization of the Communist Party insofar as it was designed to penetrate cultural groups and organizations in the country, particularly people in the entertainment industry?

Mr. LAUTNER. Yes.

Mr. ARENS. Kindly tell us if you please, sir, the structural setup of the Communist apparatus for this objective.

Mr. TUCK. Under the rules of the House of Representatives, pictures are not permitted to be taken while a witness is testifying. That is not necessarily my view of what is appropriate but, nevertheless, that is the rule under which we are operating.

Mr. LAUTNER. First of all, let me say that I taught in Communist Party classes the organizational structure of the Communist Party on numerous occasions in the years of 1947, 1948, and parts of 1949. I testified about that on many occasions.

However, in this instance to answer your question, there was a deviation from the general structure of the party in the New York State organization with which I was acquainted as to service and which maintained control and discipline in that segment of the party that comes under the heading of culture.

In the New York State organization, there was a suborganization known as the Cultural Division of the Communist Party.

This Cultural Division was not a part of any county organization in New York City. It was directly responsible to, and under the leadership and control of, the New York State apparatus, New York State organization of the Communist Party.

The head of this Cultural Division in 1947 and 1948 and 1949 was a person by the name of Dave Golden. The two other full-time functionaries in this Cultural Division were Lionel Berman, who was the organizational secretary of the Cultural Division, and Dave Gordon, who was the educational director of the Cultural Division.

This Cultural Division was responsible, in reporting about its activities, directly to the State Organizational Commission and the State

board. In the State Organizational Commission, of which I was a member for a number of years, Lionel Berman attended these meetings and every time problems of such nature came up in which the Cultural Division should have taken a part, certain assignments were delegated to him to carry out in the Cultural Division.

Mr. ARENS. What was the purpose of the Cultural Division of the Communist Party?

Mr. LAUTNER. The purpose of the Cultural Division was a two-fold purpose; first, to carry out the general policies of the party in the field of culture; two, to raise finances for the party.

As far as carrying out the general activities of the party, the Cultural Division and its members and various sections and groups such as performers, musicians, and various other groups in the Cultural Division, carried out the general policies of the party to the best of their ability and keeping an eye always to develop a security consciousness in order to make their work more effective in the Cultural Division.

As far as finances are concerned, I will give you an example of just exactly what happened.

In 1949 we had a State board meeting at which we projected the New York State organization budget of \$650,000 for the coming year. This \$650,000 was then split up and certain responsibilities to raise this money were relegated to Kings County, Queens County, et cetera, but the Cultural Division was not a part of this raising of this \$650,000.

Whatever was raised by the Cultural Division went straight into the State office and no county organization could benefit by it, which was a very substantial amount. So, out of \$650,000 in 1949, the counties could take off so much percentage from what they raised, and what remained went to the State treasury, but no county could claim any part of the money of the Cultural Division, and it was one of the most lucrative fields for the party to raise money at that particular time.

Mr. ARENS. How did the members of the Communist Party have a connection with the Cultural Division? What was the line of command?

Mr. LAUTNER. First of all, certain security measures were applicable there. For instance, a party member was recruited by an organization belonging to any county in the City of New York—Kings County or Manhattan. They could not get into the Cultural Division. That was one of the security measures.

Being chairman of the Review Commission, we had numerous cases on review, complaints by individuals, musicians and artists, who joined the Communist Party and they were members in some community branch somewhere and they made requests to be transferred into the Cultural Division, and these requests were turned back by the members of the party in that particular craft where this individual was pursuing to enter.

Only by request from the Cultural Division or its suborganizational level or a group or section, only this way could a member of the arts or sciences or cultural, could he get into the Cultural Division. That was one of the security measures set up by the party.

Mr. ARENS. When this committee investigates communism and Communist activities in a labor organization, we are accused, of course, of investigating the working people and investigating unions.

When we trace a "Commie" into a school we are accused of investigating schools. We are accused of investigating textbooks and authors. When we investigate entertainment, we are accused of being anticultural.

Tell us from the background of your experience, how the Communists in the cultural field serve the cause of the international Communist conspiratorial apparatus.

Mr. LAUTNER. First of all, members of the Cultural Division are members of the Communist Party as such. The only special consideration that they do receive is one of security, one of concealing their identity as party members and the reason for that is a very simple one.

If a party member in any of the cultural activities, whether it be theater or television or radio or movie or whatever it is, if his identity would be known as a party member, his effectiveness to do Communist work would be practically nil. Therefore, concealing party membership adds so much more to the effectiveness of that individual in carrying out Communist Party work.

But he is a party member and he must carry out the policies of the party. The party policies—tactical policies today—are very closely linked with that of the tactical policies of all Communist Parties, whether it be in the United States or wherever else.

All Communist Parties carry out the policies, first of all, dedicated to the defense of the Soviet Union and carry out the best interests in their respective countries of the Soviet Union and of the Soviet Communist doctrine.

Mr. ARENS. Based upon the experience that you had in the Communist Party, can you give us some instances which occurred during your period of service in the party in which people in the entertainment or cultural field served to promote the Communist Party line?

Mr. LAUTNER. Yes. For example, the Hitler-Stalin pact was one. There, the party membership was to explain away the deal made between Hitler and Stalin in 1939. They blamed Chamberlain and they blamed Daladier, but not Stalin, for the treachery against the so-called anti-Fascist forces throughout the world when he made his pact with Hitler.

Later on, I recall the opening up of the second front campaign, which was a party campaign. All party members including members of the Cultural Division carried out that campaign.

In 1947, for example, when the Cominform was formed and a report was made establishing the two world camps, all party members carried out that campaign.

In the early 1930's they all carried out the anti-Fascist struggle directed from the Communist International at the time.

In 1948 and 1949, the party as a whole was fighting for civil liberties and was fighting for interests of the Soviet Union against the interests of their own country. When one talks about a political party, one presupposes that a political party in our country is dedicated to the improvement and to advancement of our country as a whole. That is the platform of a political party. They try to create that kind of a platform and sell it to the American people.

Mr. ARENS. Is the Communist Party, on the basis of your extensive background and experience, a political party?

Mr. LAUTNER. Not in that sense, no, because they are dedicated first of all, to the defense of the Soviet Union at all times, and as recently as even the last issue of Political Affairs—and this is 1958, June——

Mr. ARENS. Identify Political Affairs.

Mr. LAUTNER. It is the theoretical organ of the Communist Party.

Mr. ARENS. Proceed.

Mr. LAUTNER. Here is an article on the peace manifesto and the 12 party declarations. This manifesto is issued by the National Executive Committee of the Communist Party of the United States of America. Among other things it points out that they wholeheartedly agree with the 64 Communist Party declarations in Moscow, to which Khrushchev made his report on the great Soviet Socialist revolution; and they also welcome and equally wholeheartedly support the 12-party declaration which declaration accepts, underlines, and asks all parties to support the primacy of the Soviet party among all other parties, so the Soviet Party is the ruling party.

There is no equality among the parties, which was one of the issues around which a factional struggle developed in this country. As late as 1958, this Communist Party over here subscribes to the 12-party declaration which accepts the primacy of the Soviet party, the defense of the Soviet Union and accepts the program laid down at the 64-party conference at the 40th anniversary of the "great October Socialist revolution."

Therefore, in no sense can one say that the Communist Party is a political party. At best, one can say that this party, so-called, is an adjunct to the foreign policy of the Soviet foreign commissariat and also a part of that world conspiracy which is dedicated to bringing about the downfall of free democracies, the Western democracies, and the free world.

Mr. ARENS. We have been seeing in the papers over the course of some several months about a reduction in the technical membership in the Communist Party.

First of all may I inquire of you, based upon your experience in the Communist operation, whether or not the menace of communism and the Communist program and Communist activity in the United States bear any relationship whatsoever to the number of technical members in an entity known as the Communist Party.

Mr. LAUTNER. It does not, for this simple reason, because it is never the numerical strength that determines the influence and leadership of a party.

I will give you examples: In 1945, the Hungarian Communist Party had around 3,000 members of which over 1,200 came from Moscow. By 1947, because of a prevailing situation and world conditions, that 3,000 membership by 1947 captured the country and that is the lesson of all of these so-called democracies behind the Iron Curtain.

The lesson is in Poland, in East Germany, in Czechoslovakia, in Rumania, and elsewhere in the country.

Mr. ARENS. When did they last have a reregistration for what we characterize as technical Communist Party members?

Mr. LAUTNER. To my personal knowledge the last registration we had in which I participated was the 1948-49 registration, on the basis of which the official figure of registered party members was 60,000; 30,000 in New York and 30,000 elsewhere.

Mr. ARENS. Are these Communists now, in every sense, foreign agents on American soil?

Mr. LAUTNER. For many reasons, they are, because if any one sincerely broke, honestly broke, with the Communist Party, they would be cooperating with those forces that are fighting the dictatorships, that are fighting the Soviet domination in the new democracies.

They would come out and they would come forward and would help our Government in every way to bring about understanding and unity in this country in the face of the danger confronting us today.

Mr. ARENS. During the course of your experience in the Communist Party, did you acquire information respecting the policies of the party which are imposed upon comrades, with respect to hiring or promoting fellow members within the cultural field?

Mr. LAUTNER. That was a policy not only in the cultural field but in every field—in every field in which the Communist Party had any influence or any friends to help another comrade to get along and to entrench himself, to strengthen the party; if it is a factory, to build a factory unit branch; if it is an office, to build a party numerically there.

In all phases of human relationship in which the party was involved, it was always to advance the party in order to bring in others and build the party with new members.

Mr. ARENS. I respectfully suggest that that would conclude our interrogation of Mr. Lautner at this time.

Mr. TUCK. Do you have any questions, Mr. Scherer?

Mr. SCHERER. No, sir.

Mr. TUCK. Thank you very much, Mr. Lautner.

Mr. ARENS. Mr. Earl Jones, kindly come forward.

Mr. DELANY. The witness does not desire to have his picture taken at any stage of this proceeding.

Mr. TUCK. The Chair respectfully requests that no pictures be taken at this point. I am informed that the rule is not to allow pictures to be taken after he is sworn.

Will you raise your right hand? In the testimony you are about to give, do you solemnly swear to tell the truth, the whole truth, and nothing but the truth, so help you God?

Mr. JONES. So help me God.

TESTIMONY OF EARL JONES, ACCOMPANIED BY COUNSEL, HUBERT T. DELANY

Mr. ARENS. Kindly identify yourself by name, residence, and occupation.

(The witness conferred with his counsel.)

Mr. JONES. My name is Earl Jones. I live at 19 Commerce Street, and I am an actor.

Mr. ARENS. You are appearing today in response to a subpoena which was served upon you by the House Committee on Un-American Activities?

Mr. JONES. Yes, sir.

Mr. ARENS. You are represented by counsel?

Mr. JONES. Yes.

Mr. ARENS. Counsel, kindly identify yourself.

Mr. DELANY. My name is Hubert T. Delany, 52 Broadway, New York City.

Mr. ARENS. Where are you employed?

Mr. JONES. At the present time I am not employed.

Mr. ARENS. Where were you last employed in the acting field?

Mr. JONES. I decline to answer on the basis of the first and fifth amendments afforded me, as it might tend to incriminate me.

Mr. ARENS. Were you in the play, Strange Fruit?

Mr. JONES. I respectfully decline to answer on the same grounds.

Mr. ARENS. Were you in the TV presentation, Green Pastures?

Mr. JONES. I respectfully decline to answer on the same grounds.

Mr. ARENS. Were you in the play, The Iceman Cometh?

Mr. JONES. I respectfully decline to answer on the same grounds.

Mr. DELANY. So that the record may be clear—the witness seems to be nervous. May the record show that he is declining to answer under the rights afforded him under the first amendment and the fifth amendment, because he does not want, among other things, to be compelled to be a witness against himself.

Mr. ARENS. We understand that, Counselor.

Are you now a member of the Communist Party?

Mr. JONES. I will have to decline to answer on the same grounds as before, sir.

Mr. ARENS. Do you know a person by the name of Paul Robeson?

Mr. JONES. I respectfully decline to answer on the same grounds as before.

Mr. ARENS. We would like to display to you now, a thermofaxed reproduction of an article respecting annual citation awards set up for Negro leaders. According to this article, Paul Robeson was the principal speaker and you were one of the participants at this meeting which took place here in New York City some few years ago.

Kindly look at this article and tell this committee whether or not you are the Earl Jones referred to in that article as one of the participants in that enterprise.

(The document was handed to the witness.)

(The witness conferred with his counsel.)

Mr. JONES. Sir, I respectfully refuse to answer on the same grounds.

(Document marked "Earl Jones Exhibit No. 1," and retained in committee files.)

Mr. ARENS. What is "New Playwrights, Inc."?

Mr. JONES. I respectfully decline to answer on the same grounds.

Mr. ARENS. I have here a photostatic reproduction of an article from the Communist Daily Worker (August 30, 1950), which will be displayed to you in just a moment in which your picture appears under the caption, "Earl Jones in Howard Fast Play." It states Earl Jones has been cast as a Jewish labor organizer in the Howard Fast play, The Hammer, which New Playwrights is presenting.

Kindly look at this exhibit, if you please, and tell this committee whether you are accurately described here as the participant in the cast of this play by Howard Fast.

(The document was handed to the witness.)

(The witness conferred with his counsel.)

Mr. ARENS. While you are looking at that, may I call your attention to another article in the Communist Daily Worker (February

14, 1951), in which your picture appears with respect to your appearance in the above production of New Playwrights, Inc.

Kindly look at this picture and see if you could refresh your recollection from it. Then give us such information as I may hereafter elicit from you with reference to this particular organization.

(The document was handed to the witness.)

(The witness conferred with his counsel.)

Mr. JONES. Sir, I respectfully decline to answer this question on the same grounds.

(Documents marked "Earl Jones Exhibits Nos. 2 and 3," and retained in committee files.)

Mr. ARENS. Have you, in the course of the last few years, been very active in promoting the fight against the "Smith Act persecutions"?

(The witness conferred with his counsel.)

Mr. JONES. I respectfully decline to answer on the same grounds.

Mr. ARENS. Here is an article about 19 notables who are fighting the "Smith Act persecutions" which lists among others yourself, Earl Jones, the actor, as a participant in one of these rallies held here in this community at the United Mutual Auditorium.

Kindly look at this photostatic reproduction of this article and tell this committee whether or not that refreshes your recollection with reference to your participation as an actor in this particular enterprise.

(The document was handed to the witness.)

(The witness conferred with his counsel.)

Mr. JONES. I never knew I was a notable, sir, but I must respectfully decline to answer on the same grounds.

Mr. ARENS. Do you know whether or not you were a sponsor in this particular enterprise?

Mr. JONES. I respectfully decline to answer on the same grounds.

(Document marked "Earl Jones Exhibit No. 4," and retained in committee files.)

Mr. ARENS. Can you tell the committee who solicited you to participate and lend your talents in this enterprise on behalf of these Communists who had been convicted?

(The witness conferred with his counsel.)

Mr. ARENS. Do you have a recollection of who solicited you to lend your talents in this enterprise?

Mr. JONES. I respectfully decline to answer on the same grounds as before.

Mr. ARENS. I have a clipping from the Sunday Worker (July 17, 1949), to which I want to invite your attention, "Broadway Stars Back Rights Parley." It states: "A group of Broadway stars, musicians, and writers today issued an appeal to their colleagues in cultural fields to join with them in supporting the Bill of Rights Conference Saturday and Sunday at the Henry Hudson Hotel." Among the signers are a number of persons—I would estimate a dozen—characterized as Broadway stars who lent their prestige and talent. One is identified here as Earl Jones.

Please look at that article and see if it refreshes your recollection of lending your name and your prestige to that particular enterprise.

(The document was handed to the witness.)

(The witness conferred with his counsel.)

Mr. JONES. Sir, I respectfully decline to answer on the same grounds.

(Document marked "Earl Jones Exhibit No. 5," and retained in committee files.)

Mr. ARENS. I have additional exhibits here with your name listed as a participant in front activities on behalf of the Communist Party. Have you, over the course of the last several years, knowingly and consciously lent your name and your influence and your prestige as an actor to Communist causes in the Greater New York area?

(The witness conferred with his counsel.)

Mr. JONES. I respectfully decline to answer on the same grounds.

Mr. ARENS. I respectfully suggest, Mr. Chairman, that would conclude the interrogation of this witness.

Mr. TUCK. The witness is excused.

(The witness was excused.)

Mr. ARENS. Will Lee, kindly come forward.

Mr. TUCK. In the testimony you are about to give, do you solemnly swear to tell the truth, the whole truth, and nothing but the truth, so help you God?

Mr. LEE. I do, sir.

TESTIMONY OF WILL LEE (WILLIAM LUBOVSKY), ACCOMPANIED BY COUNSEL, DAVID SCRIBNER

Mr. ARENS. Kindly identify yourself by name, residence, and occupation.

Mr. LEE. My name is Will Lee. I live at 201 East 38th Street, New York, and I am an actor, a teacher of acting, and a director.

Mr. ARENS. You are appearing today in response to a subpoena served upon you by the House Committee on Un-American Activities?

Mr. LEE. Yes, sir.

Mr. ARENS. And you are accompanied by counsel?

Mr. LEE. Yes, sir.

Mr. ARENS. Counsel, kindly identify yourself.

Mr. SCRIBNER. David Scribner, 15 William Street, New York City.

Mr. ARENS. Have you been known by any name other than Will Lee?

Mr. LEE. As I told you in closed session, my given name is William Lubovsky.

Mr. ARENS. Where are you employed?

Mr. LEE. At the present time, as reported to you in closed session, I am now unemployed.

Mr. ARENS. Where were you last employed?

Mr. LEE. My last area of employment has been with the American Theater Wing school, a training area for developing actors.

Mr. ARENS. How long were you employed by the American Theater Wing, Inc.?

Mr. LEE. As I informed you in closed session, I have been employed with the American Theater Wing off and on for about 5 years or maybe a little longer.

Mr. ARENS. Where is that located?

Mr. LEE. It is on West 48th Street. It is in the Bronx. I think it is 35 west. I am not sure.

Mr. ARENS. In what capacity were you employed there?

Mr. LEE. As I mentioned to you, as an instructor in acting.

Mr. ARENS. How long did you instruct in acting at the American Theater Wing?

Mr. LEE. I thought I just said off and on for over 5 years.

Mr. ARENS. What was your employment immediately prior to your employment with the American Theater Wing?

Mr. LEE. If you want my theatrical history, I will be happy to give it to you because this is what I feel you are going for and I would be more than willing, which I did yesterday.

Mr. ARENS. Perhaps you could summarize your principal employment.

Mr. LEE. I feel all of my employment has been very principal and I would like to give it to you.

Mr. ARENS. Please do, then.

Mr. LEE. I appeared at a reading of *Spring Out of Season* at Carnegie Hall in November of 1957. I did *World of Sholem Alechem* at the Bucks County Playhouse in June 1956. I played in *Heaven Can Wait* in August of 1955. I played in *Born Yesterday* in Playhouse Park in July 1955.

In October of 1954, I did a 5-week tour of the *World of Sholem Alechem*. In August of 1954, I played *Golden Boy* at the Playhouse in the Park. I presume you heard this.

Mr. ARENS. Yes. *Golden Boy* was your last performance?

Mr. LEE. In October 1954, I worked in the film *Little Fugitive*. In 1952 I appeared on Broadway in *The Shrike*. It is about a bird that picks your brains out.

In 1951, I directed *A Streetcar Named Desire*, to Circle Theater in Atlantic City, the first time in the round.

In 1947 I performed in such films as *They Live by Night*, *Casbah*, *A Song Is Born*, *Life of Riley*, and *Letter From an Unknown Woman*.

In 1945, 1944, and 1943, and 1942 I was in the United States Army, part of the Special Services. I have received 2 citations from the United States Army, 1 for a VJ-Day program which I directed at a stadium in Manila, and also for a 3-day festival that I organized on Leyte.

Mr. ARENS. What was the period of time when you had this festival for the Army and directed this play for the Army?

Mr. LEE. 1945 in Manila, September of 1945.

In 1942 I appeared in *Lilies of the Valley*, a play written by Ben Hecht, and also a play written by Paul Vincent Carroll called, *The Strings, My Lord, Are False*. In 1941 I was in *Whistling in the Dark*, *Temporary Bride*, *Babes on Broadway*, *His Honor*, and *Ball of Fire*.

In 1940 I appeared in *Night Music*, and "Heavenly," *Expressed the White-haired Boy*.

In 1939, I was in *Family Portrait* and *Time of Your Life*.

In 1938, I was in *Golden Boy*, on Broadway, in London, and on the road.

In 1937, I was in *Boy Meets Girl*, *Busman's Holiday*, and *Place in the Sun*.

In 1936, I was associated with the Federal Theater and Libby newspaper and also appeared in *Johnny Johnson* on Broadway.

This is the extent of my professional life.

Mr. ARENS. Thank you, sir. Now, kindly tell us, are you now, or have you ever been, a member of the Communist Party?

Mr. LEE. I have been born in Brooklyn; and in Brooklyn, in Public School 144 that I went to, I was always told that an individual had a right to select what he wants to be part of, speak freely, his associations, and this was also clearly pointed out to us as inseparable from the Bill of Rights.

I will not cast any shadow over the Bill of Rights; and in raising this question, I stand on the right as given to us by James Madison and his associates in relation to the first amendment and also the privileges of the fifth amendment.

Mr. ARENS. Let us break the question into two parts.

Did they also teach you about the Communist conspiracy being dedicated to the destruction of the Constitution of the United States and to the overthrow of this country by force and violence?

Mr. LEE. If you want to have a discussion on this, I would be happy to discuss this outside.

Mr. ARENS. Just tell us that. You told us they taught you at Brooklyn, and I was wondering what they taught with respect to the Communist Party.

Mr. LEE. Because of the circumstances of this hearing here, I refer you to the principles inherent in the first amendment and, also, the privileges of the first.

Mr. ARENS. Are you now a member of the Communist Party?

Mr. LEE. I repeat the same statement again.

Mr. ARENS. Do you honestly apprehend that if you gave us a truthful answer to that question while you are under oath, that you would be supplying information that might be used against you in a criminal proceeding?

Mr. LEE. I will not be part of dragging a shadow across this country that separates the rights of an individual to do what has been given to him.

Mr. ARENS. I think your counsel wants to confer with you now.

Is that the only reason you give in declining to answer?

Mr. LEE. Every answer I have given is in full faith of these thoughts.

(The witness conferred with his counsel.)

Mr. LEE. Also, quite sincere and honest, which relates to the first and fifth.

Mr. ARENS. Have you been one of the promoters of a group known as Actors' Laboratory, Inc., on the west coast?

Mr. LEE. The pride and joy of being associated with a theatrical organization that contributes tremendously to the theatrical life of the west coast was an honor that was given to me. I earned it in terms of my theatrical life and not in any other way, and I still hold any relationship to this is still in the freedom of creativity of our country, the right for theater groups to spring up wherever they have a desire to do so, and work and be judged on the creative efforts of their work and this is my relationship to my life, to my theater, to my films, to my TV, and to my teachings.

I will not put myself in the dictatorial position in any way to determine who shall live and who shall not live creatively. If we do that, we are having conformity of a severe nature and I will not be any

part of it and hence, in relation to your question, I reserve my rights that are given to me.

Mr. ARENS. You are offended by dictatorial actions; is that correct?

Mr. LEE. I refer you to my answer.

Mr. ARENS. Were you offended by the dictatorial actions of the Krenlin a few days ago in murdering the former Hungarian premier, Imre Nagy?

Mr. LEE. I have been reading the papers about many things. Are you asking me to take a stand? I ask you, is that justice? Is that right?

Mr. ARENS. I just wanted to be sure that the degree to which you are taking offense is only a degree of offense with respect to Communist activities.

Now, sir, would you tell us whether or not you were one of the promoters of the Actors' Laboratory on the West Coast?

Mr. LEE. Same answer.

Mr. ARENS. Do you honestly apprehend that if you told this committee truthfully while you are under oath, whether or not you were one of the promoters or organizers of Actors' Laboratory on the West Coast, you would be supplying information which might be used against you in a criminal proceeding?

Mr. LEE. I repeat, the same answer.

Mr. ARENS. I should like to display to you, if you please, sir, a copy of a schedule of activities of Actors' Laboratory, Inc., Hollywood, Calif., on which your name appears as a member of the board of that organization.

Kindly look at this exhibit and tell this committee whether or not the identification of you in that exhibit is true and correct.

(The document was handed to the witness.)

(The witness conferred with his counsel.)

Mr. LEE. Same answer.

(Document marked "Will Lee Exhibit No. 1" and retained in committee files.)

Mr. ARENS. Do you remember a May Fiesta that was held several years ago in the New York area in which you participated for the Theater-Radio Group, West Side Anti-Fascist Committee? Do you recall that?

Mr. Appell will display to you a copy of an advertisement from the Communist Daily Worker in which your name appears as one of the participants in that fiesta, and identified as one of the actors in Golden Boy.

(The witness conferred with his counsel.)

Mr. LEE. Same answer.

(Document marked "Will Lee Exhibit No. 2," and retained in committee files.)

Mr. ARENS. Have you, in the course of your career as an actor, lent your talents to an enterprise in Hollywood on behalf of the Hollywood Ten, they being the 10 Communists who were the subject of investigation by the Committee on Un-American Activities?

Do you recall anything you did on behalf of the Hollywood Ten as an actor in the promotion of your creative art?

(The witness conferred with his counsel.)

Mr. LEE. May I see it, please?

Mr. ARENS. Mr. Appell will display to you, sir, a photostatic reproduction of an article from the Daily People's World, which states

that you, Will Lee, an actor, were a participant of that enterprise on behalf of the so-called Hollywood Ten.

(The document was handed to the witness.)

Mr. LEE. Whatever I did, I did with due respect to rights entitled to me via the Bill of Rights.

Mr. ARENS. Would you kindly answer the question?

Mr. LEE. I always looked upon that privilege of a community spirit which we are constantly urged to participate in, in all different ways.

As regards to your question, sir, I give you the same answer.

(Document marked "Will Lee Exhibit No. 3," and retained in committee files.)

Mr. ARENS. In this spirit of benevolence and brotherhood, have you participated in any session with reference to certain actors who have testified before the Committee on Un-American Activities and told the committee, while they were under oath, about Communist activities and the Communist conspiratorial operation in this country?

Mr. LEE. The same answer.

Mr. ARENS. Do you recall a session in 1951 at the Hotel Diplomat here in New York where you made a speech berating Larry Parks, an actor who testified before the Committee on Un-American Activities with reference to the Communist conspiracy in this country?

Do you recall that session?

(The witness conferred with his counsel.)

Mr. SCHERER. He did not want Larry Parks to have free speech.

Mr. LEE. Sir, I will make as many speeches as I can, or want to, or have a need to. I do not have to account to you when I do or do not make these things and I thought that was part of the integral relationship we have in our country, in our form of democracy.

I do not have to account this to you. I thought when I die and go before Peter at the gate, my accounting takes place. This is something new that is taking place, and happening to me here.

It is again casting a wide shadow over the Bill of Rights. On the basis of this, I say I stand on the same thing as I said before, my rights of the first and fifth amendments.

Mr. ARENS. Have you raised funds, or used your funds, your talents, your ability, your creative art, as an actor, to raise funds for Communist Party enterprises in the United States?

Mr. LEE. Same answer.

Mr. ARENS. Can you tell us in the exercise of your free speech what you did as an actor on behalf of the 11 Communist traitors who were convicted here at Foley Square?

(The witness conferred with his counsel.)

Mr. LEE. I repeat the same answer.

Mr. ARENS. Do you feel if you told this committee, while you are under oath in this public session what you did on behalf of the 11 Communist traitors who were convicted here in Foley Square, you would be supplying information which might be used against you in a criminal proceeding?

(The witness conferred with his counsel.)

Mr. LEE. I have used my rights under the Constitution in good faith, sir.

Mr. ARENS. Kindly answer the question.

Mr. SCHERER. I think he has answered it.

Mr. ARENS. Have you signed any amicus curiae briefs filed in the Supreme Court of the United States?

Mr. LEE. I will sign whatever I want to and I do not think I have to account to you for it. That is my privilege. That is what makes our country so healthy.

Mr. ARENS. Now, will you kindly answer the question?

Mr. LEE. I have. On the basis of that, I take my rights and privileges under the first amendment and the fifth amendment.

Mr. ARENS. We would like to display to you a copy of an extract of a brief filed in the Supreme Court of the United States on behalf of John Howard Lawson and Dalton Trumbo, to which a number of people in the motion-picture industry and entertainment field have affixed their names, including the name of Will Lee.

Would you kindly look at this exhibit and tell this committee while you are under oath who solicited your signature to this petition?

(The document was handed to the witness.)

(The witness conferred with his counsel.)

Mr. LEE. Anything I have done to uphold the rights of other people, I have done with full faith of my responsibility as a human being and I repeat again the privileges I have in executing this has been given to me in the first amendment and also in the fifth.

(Document marked "Will Lee Exhibit No. 4" and retained in committee files.)

(At this point, Mr. Moulder entered the hearing room.)

Mr. ARENS. I respectfully suggest that this concludes the staff interrogation of this witness.

Mr. SCHERER. Mr. Lee, you said you served in the Army of the United States?

Mr. LEE. Yes; 3½ years.

Mr. SCHERER. When was that?

Mr. LEE. 1942, August to roughly December of 1945.

Mr. SCHERER. We were an ally with the Soviet Union at that time, were we not?

Mr. LEE. I served in the United States.

Mr. SCHERER. I said we in the United States were an ally with the Soviet Union at that time.

Mr. LEE. That was not on my invitation to join the Army.

Mr. SCHERER. Will you answer the question?

Mr. LEE. I do not mean to be unkind to what you are asking but that is a definition that you are giving. I can't. I said I have served with our Army.

Mr. SCHERER. When you served with the Army were you a member of the Communist Party at the same time?

Mr. LEE. Same answer.

Mr. MOULDER. Do you mean you decline to answer by claiming the privilege under the Constitution?

Mr. LEE. That is right.

Mr. MOULDER. The witness is excused.

(The witness was excused.)

Mr. ARENS. The next witness, if you please, is Mr. Charles Dubin.

Mr. MOULDER. Do you solemnly swear that the testimony you are about to give before this subcommittee of the United States Congress will be the truth, the whole truth, and nothing but the truth, so help you God?

Mr. DUBIN. I do, sir.

**TESTIMONY OF CHARLES S. DUBIN (DOBRONOFSKY), ACCOMPANIED
BY COUNSEL, HUBERT T. DELANY**

Mr. ARENS. Kindly identify yourself by name, residence, and occupation.

Mr. DUBIN. My name is Charles S. Dubin; I live at 505 West End Avenue, New York City, and I am a television director.

Mr. ARENS. You are appearing here today, Mr. Dubin, in response to a subpoena which was served upon you by the House Committee on Un-American Activities?

Mr. DUBIN. That is correct.

Mr. ARENS. You are represented by counsel?

Mr. DUBIN. Yes, I am.

Mr. ARENS. Counsel, kindly identify yourself.

Mr. DELANY. My name is Hubert Delany, 52 Broadway, New York City.

Mr. ARENS. Where are you employed, Mr. Dubin?

Mr. DUBIN. I am employed as director of a quiz show known as Twenty-One and I am also one of several directors on a summer replacement dramatization show called The Investigator.

Mr. ARENS. Is Dubin the name you have used all your life?

Mr. DUBIN. As I explained to you, Mr. Arens, in some detail at our last meeting which was a closed session, from the time I was born until 1929 the name my family had was Dobronofsky.

In 1929 my father desired to shorten the name for purposes of convenience, and that is the name I have used for my entire life.

Mr. ARENS. Kindly spell the name.

Mr. DUBIN. D-o-b-r-o-n-o-f-s-k-y.

Mr. ARENS. Mr. Dubin, are you now, or have you ever been, a member of the Communist Party?

(The witness conferred with his counsel.)

Mr. DUBIN. Mr. Arens—

Mr. DELANY. Would you break up that question?

Mr. ARENS. Are you now, or have you ever been, a member of the Communist Party?

Mr. DELANY. I do not want to argue with you, but in view of the answer that was given at the May 8 [1958] session, it puts us in a very embarrassing position.

Mr. ARENS. Kindly answer the question, are you now, or have you ever been, a member of the Communist Party?

Mr. DELANY. May I appeal to the chairman?

Mr. ARENS. Counsel, your sole and exclusive purpose in appearing here is for the purpose of advising your client, and any statements that you desire to make to the committee should be made through your client, the witness.

Mr. DELANY. I do not think he can answer it fairly unless it is broken up.

Mr. MOULDER. It is the rule of the committee that you speak through the witness.

Mr. DUBIN. As I told you on May 8, Mr. Arens, and I believe you, too, Mr. Scherer, I was not then a member of the Communist Party. I declined at that point to answer in relation to past membership because after much discussion with my counsel, I am told that under

the Constitution I do not have to be a witness against myself and, therefore, I decline to answer questions about past associations.

Mr. ARENS. Were you a member of the Communist Party at any time since you received your subpoena some several weeks ago to appear before this committee?

(The witness conferred with his counsel.)

Mr. DUBIN. As I replied to you on May 8, Mr. Arens, I respectfully decline to answer the question on the grounds that I do not wish to be a witness against myself.

Mr. DELANY. Except insofar as you have answered.

Mr. ARENS. Were you a member of the Communist Party at any time since our executive session on May 8?

Mr. DUBIN. Well, of course not.

Mr. ARENS. Were you a member of the Communist Party on May 7, the day preceding the executive session?

Mr. DUBIN. Again, sir, as I responded to that question on May 8, I must respectfully decline to answer.

Mr. ARENS. Are there persons presently in the entertainment industry who, to your certain knowledge, in the recent past have been members of the Communist Party?

Mr. DUBIN. Would you repeat that question please?

Mr. ARENS. Yes, sir. Are there persons presently in the entertainment industry who, to your certain knowledge, in the recent past have been members of the Communist Party?

Mr. DELANY. May I ask that that question be rephrased. Obviously a witness could not truthfully answer that question.

Mr. ARENS. Certainly he could.

Mr. MOULDER. Do you have any knowledge or information concerning persons in the entertainment industry who are now members of the Communist Party?

(The witness conferred with his counsel.)

Mr. DUBIN. I think, in order to protect my rights, I respectfully decline to answer that question.

Mr. ARENS. It is the feeling of this committee that you, as a prominent member in the television and entertainment industry, director, and the like, have information which would be of significance to this committee in its endeavor to obtain information respecting the operation of the Communist Party in the entertainment industry.

If this committee should cause to be instituted proceedings which would grant you immunity from criminal prosecution, based upon any testimony you might give before this committee, and if those proceedings were brought to a consummation so that you would be granted immunity from criminal prosecution based upon any testimony you would give before this committee, would you testify fully and freely respecting any and all information which you possess with regard to the Communist Party, Communists, Communist activities, during the course of your life?

(The witness conferred with his counsel.)

Mr. DUBIN. Mr. Arens, you put a very large and sweeping and very profound question to me.

Mr. ARENS. And you have had time to ponder that question since May 8 because I posed substantially the same question to you on May 8.

Mr. DUBIN. Substantially the same, but in some ways different. For example, at this point you used the phrase, "during all my life."

Mr. ARENS. We will say during your adult life. Perhaps it would help you in your consideration before you respond to this question, if you would tell us whether or not you have considered the question which I proposed to you on May 8 of causing immunity proceedings to be instituted if you would testify fully and freely of your knowledge of the Communist operation.

Mr. DUBIN. I have not had enough of an opportunity to consider all the many things that have to be considered in relation to such a question. I cannot answer you at this time. I would have to take deep and serious legal counsel and advice and it seems to me the question is couched in a hypothetical manner and, therefore, I cannot answer it at this time.

Mr. ARENS. Have you resigned from the Communist Party?

Mr. DUBIN. The same answer as before.

Mr. ARENS. Have you been expelled from the Communist Party?

Mr. DUBIN. I decline, respectfully, to answer on the same grounds as before.

Mr. ARENS. Are you now against the Communist Party?

Mr. DUBIN. Whatever my differences of opinion may be with any particular organization, I must at this point say, Mr. Arens, gentlemen of the committee, that I am entitled to those opinions as personal beliefs.

I am willing to discuss them with friends, but I hardly think that this is the place or the time to discuss such opinions and, therefore, on that ground and on the ground that I do not wish to be a witness against myself as the privilege accorded to me in the Constitution, I respectfully decline to answer that question.

Mr. ARENS. Are you or have you ever been a member of the Stage for Action?

Mr. DUBIN. I am not a member of Stage for Action. I decline, as I have said before, to talk about my past associations because the Constitution says to me I do not have to be a witness against myself.

Mr. ARENS. Did you produce Dream Job, for the Stage for Action?

Mr. DUBIN. Dream Job?

Mr. ARENS. Yes, sir.

Mr. DUBIN. I do not remember that at all, sir.

Mr. ARENS. Have you produced Omnibus?

Mr. DUBIN. No, sir; I did not produce Omnibus.

Mr. ARENS. What was your connection with Omnibus?

Mr. DUBIN. I was hired as a director for many other segments, segments being portions of programs.

Mr. ARENS. During the course of your directorship of these segments for Omnibus, were you a member of the Communist Party?

Mr. DUBIN. I decline respectfully to answer that question on the same grounds.

Mr. ARENS. Over what period of time did you direct segments of Omnibus?

Mr. DUBIN. The first one, which was with Esther Williams, was in October of 1955. The last one was just a few weeks ago. It was The Passion According to St. Matthew.

Mr. ARENS. With respect to the first one that you talked about, at the time of its production were you a member of the Communist Party?

Mr. DUBIN. I think I have already answered that question when you asked me prior, but I will repeat my answer, however, Mr. Arens. I decline to answer.

Mr. ARENS. Are you a member, or have you been a member, of the National Council of the Arts, Sciences, and Professions?

Mr. DUBIN. Would you repeat that question, please?

Mr. ARENS. Are you, or have you been, a member of the National Council of the Arts, Sciences, and Professions?

Mr. DUBIN. I am not a member. I refuse to answer the question about my past associations because I do not wish to be a witness against myself.

Mr. ARENS. Were you stage manager for the National Council of the Arts, Sciences, and Professions' Carnegie Hall presentation in 1949?

Mr. DUBIN. I am sorry, would you please repeat that question?

Mr. ARENS. Mr. Appell will exhibit to you the announcement of an enterprise under the auspices of the National Council of the Arts, Sciences, and Professions, listing your name as the stage manager.

(The document was handed to the witness.)

(The witness conferred with his counsel.)

Mr. DUBIN. I respectfully decline to answer that question.

Mr. ARENS. You can definitely help this Committee on Un-American Activities if you can tell us whether or not you were paid or whether or not you contributed your services, because this is an organization that has been cited as an entity controlled by the Communist conspiracy. Could you help us? Could you tell us whether or not your participation in that enterprise was one for which you received remuneration?

Mr. DUBIN. Mr. Arens, the best way I can help this committee is to go back to my work of good quality material for the American public. I have received some criticism of a negative sort, and that is the best way I, as a citizen, can function.

I respectfully decline to answer the question with respect to this particular instance.

Mr. ARENS. Why?

Mr. DUBIN. Because I do not wish to be a witness against myself.

Mr. ARENS. Do you honestly apprehend if you told this committee whether or not you received compensation from the National Council of the Arts, Sciences, and Professions, you would be supplying information that might be used against you in a criminal proceeding?

Mr. DUBIN. I do not wish to give you such an understanding. I simply say I do not wish to be a witness against myself.

Mr. ARENS. I request that the witness be ordered and directed to answer the last outstanding question.

Mr. MOULDER. The witness is ordered and directed to answer the question.

(The witness conferred with his counsel.)

Mr. DUBIN. Would you please repeat the question, Mr. Arens?

Mr. ARENS. Do you honestly apprehend if you told this committee whether or not you received remuneration for your participation in this particular enterprise under the auspices of the National Council

of the Arts, Sciences, and Professions, you would be supplying information which might be used against you in a criminal proceeding?

Mr. DUBIN. Gentlemen, I respectfully decline to answer that question on the grounds that I do not wish to be a witness against myself.

(Document marked "Dubin Exhibit No. 1," and retained in committee files.)

Mr. ARENS. Have you been an instructor in dramatics or in the field of entertainment in the course of the last several years?

Mr. DUBIN. I respectfully decline to answer that on the same grounds, sir.

Mr. ARENS. I have a copy of an article from the Daily Worker in which you are characterized, Charles Dubin, as one of the instructors of the School of the Stage for Action, Inc. Does that ring a bell? Does that prompt your recollection with respect to your participation in that enterprise?

Mr. DUBIN. I am going to take advantage of my constitutional privilege again and respectfully decline to answer, sir.

(Document marked "Dubin Exhibit No. 2," and retained in committee files.)

Mr. ARENS. Did you sign a nominating petition for George Blake Charney in 1953?

(The witness conferred with his counsel.)

Mr. ARENS. Mr. Appell will display to you a reproduction of a nominating petition for George Blake Charney, who was at one time head of the Communist Party of the State of New York. On this petition as one of the signers is the signature of Charles S. Dubin, 410 Central Park West. Is that your signature?

Mr. DUBIN. I respectfully decline to answer your first question which did not have anything to do with my signature.

Mr. ARENS. Would you kindly tell the committee whether or not the document which was just displayed to you bears a true and accurate reproduction of your signature?

Mr. DUBIN. I respectfully decline to answer on the same grounds.

(Document marked "Dubin Exhibit No. 3", and retained in committee files.)

Mr. ARENS. What was your address on September 20, 1953? Do you recall where you were living then?

Mr. DUBIN. I respectfully decline to answer the question, sir, on the same grounds.

Mr. SCHERER. I think the witness should be directed to answer the question as to where he was living in 1953. I cannot possibly see how that would tend to incriminate him.

Mr. MOULDER. Yes, the witness is directed to answer the question. (The witness conferred with his counsel.)

Mr. DUBIN. May I please, Mr. Chairman, Mr. Scherer, Mr. Arens, understand the question which I am directed to answer? Where was I living in 1953?

Mr. ARENS. Yes, sir, or make it the fall of 1953.

Mr. DUBIN. May I have another look at that petition please?

The reason I would like to decline to answer that question, Mr. Scherer, sir, since you raised the matter of directions, it seems to me pinpointing such a date is perhaps another way of getting me to answer the first question which I decline to answer.

Mr. ARENS. Did you ever live at 410 Central Park West?

(The witness conferred with his counsel.)

Mr. DUBIN. Yes, sir; I did live at 410 Central Park, West.

Mr. ARENS. Did you live there at any time during the year 1953?

Mr. DUBIN. I respectfully decline to answer on the grounds that I do not wish to be a witness against myself.

Mr. ARENS. When did you live at 410 Central Park West?

Mr. DUBIN. I respectfully decline to answer on the same grounds.

Mr. ARENS. I respectfully suggest we conclude the interrogation of this witness.

(The witness was excused.)

Mr. ARENS. Mr. Carroll Hollister.

Mr. MOULDER. Do you solemnly swear that the testimony you are about to give before this subcommittee of the United States Congress will be the truth, the whole truth, and nothing but the truth, so help you God?

Mr. HOLLISTER. I do.

TESTIMONY OF CARROLL HOLLISTER, ACCOMPANIED BY COUNSEL, HARRY SACHER

Mr. ARENS. Kindly identify yourself by name, residence, and occupation.

Mr. HOLLISTER. My name is Carroll Hollister, 344 West 72d Street; occupation, musician.

Mr. ARENS. You are appearing today, Mr. Hollister, in response to a subpoena served upon you by the House Committee on Un-American Activities?

Mr. HOLLISTER. Yes, sir.

Mr. ARENS. You are represented by counsel?

Mr. HOLLISTER. Yes, sir.

Mr. ARENS. Will counsel kindly identify himself for the record.

Mr. SACHER. Harry Sacher, 342 Madison Avenue, New York, N. Y.

Mr. ARENS. Where are you employed?

Mr. HOLLISTER. I am self-employed.

Mr. ARENS. Where, please, sir?

Mr. HOLLISTER. At my address which I just gave.

Mr. ARENS. What do you do there?

Mr. HOLLISTER. I teach singing and coach singers—music in general.

Mr. ARENS. Have you also been on the faculty of the Metropolitan Music School, Inc.?

Mr. HOLLISTER. I would find it difficult to understand why it is necessary for this committee to ask this question in order to further the aims of legislation which is required. I have no shame about any employment which I have ever had in my life or have at the present time and, as a music teacher, I would consider that I had the rights to seek employment in music at any institution of recognized musical standing.

Mr. ARENS. If you are not ashamed of it, then kindly tell us whether or not you have been employed as an instructor at the Metropolitan Music School.

Mr. HOLLISTER. Yes, sir.

Mr. ARENS. Are you a member of the Communist Party?

Mr. HOLLISTER. I feel that I must respectfully refuse to answer this question as an invasion of my rights as a citizen of association or membership in organizations in respect to the first amendment; and in respect to the fifth amendment, my right to be called upon to testify against myself.

Mr. ARENS. Mr. Hollister, in April 1956 a man by the name of Ramez Idriss took an oath before this committee, laid his liberty on the line, said, "While I was a member of the Communist Party"—I am only paraphrasing what he said—"While I was a member of the Communist Party, I knew as a Communist in leadership capacity, a person by the name of Carroll Hollister."

We want to give you an opportunity now, sir, to deny that statement, that characterization, that identification while you are under oath. Was Mr. Idriss in error when he identified you as a person known to him certainly, to be a leader of the Communist Party?

Mr. HOLLISTER. I would decline to answer that question on the same grounds which I asserted before—my rights under the first and fifth amendments.

Mr. ARENS. Do you know a person by the name of Idriss?

Mr. HOLLISTER. Same answer.

Mr. ARENS. At about the same time Mr. Idriss appeared before this committee, Don Christlieb also appeared and he likewise took an oath. If he lied before this committee he will be subjected to criminal prosecution for perjury.

He said while he was a member of the Communist Party he knew you, Carroll Hollister, as a member of the Communist Party. Kindly tell us, was this man, Christlieb, telling the truth while he was under oath before this committee?

Mr. SACHER. Mr. Chairman, I think Mr. Arens is arrogating powers to himself.

Mr. ARENS. I respectfully suggest that counsel be admonished that his sole and exclusive rights are to advise his client.

Mr. MOULDER. Counsel is directed to speak through the witness.

Now, your question is whether or not——

Mr. ARENS. Whether Christlieb told the truth when he took an oath before this committee and identified the instant witness, Carroll Hollister.

Mr. MOULDER. It is the rule of the committee whenever a person is accused by a witness of being a member of the Communist Party, the person accused is given an opportunity to affirm or deny the accusation made by that witness.

Counsel has read you a portion of that testimony. Now, do you wish to deny or affirm?

(The witness conferred with his counsel.)

Mr. HOLLISTER. Will you repeat the specific question? I think there were two forms in which it was given to me.

Mr. ARENS. Was Christlieb telling the truth when he took an oath before this committee and identified you as a person known by him to be a member of the Communist Party?

Mr. HOLLISTER. I think this question is similar to the one asked of me before, and I would decline to answer for the same reasons, because of my rights as a citizen under the first amendment and fifth amendment.

Mr. ARENS. Do you know a man by the name of Christlieb?

Mr. HOLLISTER. Same answer.

Mr. ARENS. Have you been on the board of the Musicians Congress Committee?

Mr. HOLLISTER. Can you be more specific?

Mr. ARENS. Yes, perhaps I could help you by displaying to you a letterhead of the Musicians Congress Committee, Hollywood, Calif., on which the names of a number of persons appear on the general board, including the name Carroll Hollister.

Kindly look at this exhibit and tell this committee whether you are properly characterized as a member of that board in that exhibit.

(The witness conferred with his counsel.)

Mr. HOLLISTER. Sir, I do not see any reason why the committee should ask me or I should answer a question which has anything to do with joining a musical organization for the purpose of pursuing my profession in music.

Mr. ARENS. Let us change the question. Was your affiliation with that organization solely and exclusively for the purpose of music?

Mr. HOLLISTER. I have not admitted anything yet.

Mr. ARENS. Tell us first of all whether or not you are honestly and accurately characterized there as a member of the board of that group.

Mr. HOLLISTER. I think I would decline to answer this question on the same grounds, sir, as I have given before.

(Document marked "Hollister Exhibit No. 1" and retained in committee files.)

Mr. ARENS. Have you been one of the promoters of the American Continental Congress for Peace?

Mr. HOLLISTER. I decline to answer this question on the same grounds as an invasion of my rights as a citizen under the first and fifth amendments.

Mr. ARENS. You would have no shame in undertaking to promote peace.

Mr. HOLLISTER. I certainly would not have.

Mr. ARENS. Then why don't you tell us whether or not you are honestly and truthfully identified as one of the sponsors of the American Continental Congress for Peace, as I exhibit to you a leaflet of that organization.

(The witness conferred with his counsel.)

Mr. HOLLISTER. In asking this question, I think that you attempt to actually besmirch the activities which are legal and correct activity for citizens of the United States even to the point of making it impossible for me to participate in a movement which many citizens participate in, as you said yourself, to further peace; and I feel that this is a question that you have no right to ask me in connection with your inquiry.

(Document marked "Hollister Exhibit No. 2," and retained in committee files.)

Mr. ARENS. Tell us whether or not, to your certain knowledge, this American Continental Congress for Peace is a ruse and a fraud and an enterprise promoted by the Communist conspiracy in this Nation.

Mr. HOLLISTER. I think that is a very loaded question, sir, and I refuse to answer it.

Mr. ARENS. Why?

Mr. HOLLISTER. On the grounds that I have stated.

Mr. ARENS. On what grounds?

Mr. HOLLISTER. On the grounds of my right as an American citizen to free association and free speech and the right of participation in any organization which has the aims that are correct under our form of Government.

Mr. ARENS. Is that the sole and exclusive ground upon which you decline to answer?

Mr. HOLLISTER. Also, on the grounds I refuse to be a witness against myself.

Mr. MOULDER. In other words, you are claiming your privileges under the first and fifth amendments?

Mr. HOLLISTER. That is correct.

Mr. ARENS. I have a photostatic reproduction of an article from the Communist Daily Worker of March 21, 1952, stating, "39 More Notables Urge Negotiations in Germany," were signers of an open letter to former President Truman, which action was sponsored by the American Peace Crusade.

I see among those notables who are lending their prestige and dignity and position in the entertainment industry to the enterprise, a person named Carroll Hollister.

Kindly look at that exhibit and tell this committee while you are under oath if that is a true and accurate identification of your affiliation with that organization.

Mr. HOLLISTER. I decline to answer that question on the same grounds as before.

(Document marked "Hollister Exhibit No. 3," and retained in committee files.)

Mr. ARENS. Are you a concert pianist in addition to your instructing work?

Mr. HOLLISTER. I don't know exactly what you mean by concert pianist. I play the piano, yes, sir, in concerts.

Mr. SCHERER. Is that not a concert pianist?

Mr. HOLLISTER. No, sir. I play the piano not as a soloist. Generally, the term applies to a soloist, although I have played solos at times.

Mr. ARENS. Have you ever lived in Westport, Conn.?

Mr. HOLLISTER. I think that I will decline to answer that question on the same grounds.

Mr. ARENS. Mr. Chairman, I respectfully suggest that the witness be ordered and directed to answer the question as to whether or not he ever lived near Westport, Conn. It is easy for a person to live in Westport, Conn., without being a member of the Communist Party.

Mr. HOLLISTER. On advice of my lawyer, I refuse to answer.

Mr. MOULDER. Are you refusing to answer the questions claiming the privileges under the provisions of the first and fifth amendments?

Mr. HOLLISTER. Yes, I would claim those two.

Mr. ARENS. May I display to you a photostatic copy of a letter from the Conference on Peaceful Alternatives to the Atlantic Pact to which is attached a copy of its open letter to Members of Congress

signed by persons from various States, including one Carroll Hollister, concert pianist, of Westport, Conn.

Kindly look at this document and see if it refreshes your recollection with reference to the lending by you of your name and prestige as a concert pianist.

Mr. SCHERER. He said he was not a concert pianist.

Mr. HOLLISTER. I think the formulation is incorrect. I decline to answer this question on the same grounds based on the first and fifth amendments.

Mr. ARENS. Is this characterization of this document of you as a concert pianist erroneous?

Mr. HOLLISTER. I don't know what the characterization means in this document.

Mr. ARENS. Did you sign the open letter initiated by the Conference on Peaceful Alternatives to the Atlantic Pact?

(The witness conferred with his counsel.)

Mr. HOLLISTER. As I said before, I see nothing to be ashamed of or nothing illegal in activities on behalf of peace. I have participated in such activities and I shall continue. I think it is important that we avoid war and avoid it for all people in the world.

Mr. SCHERER. Is not that petition directed to the Congress?

Mr. ARENS. Yes, sir.

Mr. SCHERER. Then we have a right as Members of Congress to know, also, whether or not those petitions come from the citizens who belong to bona fide organizations or whether they are inspired by the Communist apparatus. That is what we have a right to know to properly evaluate it.

Mr. HOLLISTER. I am not answering a question as to who signed. I am saying I have participated in organizations working for peace—peace is on behalf of all of you, even Members of Congress.

Mr. MOULDER. Then, as I understand your response to the question, you did sign the petition.

Mr. HOLLISTER. No, sir. I said I have a right to act on behalf of peace; but in regard to this particular question, in order to defend my rights under the Constitution, I will refuse to answer that particular question.

(Document marked "Hollister Exhibit No. 4" and retained in committee files.)

Mr. SCHERER. I said you certainly have a right to act on behalf of peace. I wish more people did so, but we Members of Congress have a right to know, when petitions come to us, whether they are inspired by the Communist apparatus. We have a right to know that.

Mr. HOLLISTER. I don't see that it is necessary to say who inspired, or what inspires, an action on behalf of peace.

Mr. SCHERER. If we find out it comes from the Communist apparatus, we know it is fraudulent.

Mr. HOLLISTER. Peace is a good goal regardless of who or where it is inspired.

Mr. ARENS. Would it be a good goal in Spain?

Mr. HOLLISTER. It would be a good goal anywhere.

Mr. ARENS. Was it a good goal in Spain during the civil war?

Mr. HOLLISTER. I say the fight for peace is important to any person living on any part of this globe.

Mr. ARENS. Did you undertake to promote peace in the civil war in Spain, or did you take sides and want to promote one side?

I respectfully suggest, Mr. Chairman, that counsel be advised that his exclusive right is to advise the witness of his constitutional rights. I heard him tell the witness what to say.

Mr. SACHER. I have a constitutional right not to be eavesdropped on.

Mr. HOLLISTER. I am only asking his advice in guiding my answers.

Mr. ARENS. Kindly look at this letterhead of the Musicians' Committee To Aid Spanish Democracy, a document which was circulated around in these parts during the time of the war, not peace, in Spain. I see here a number of sponsors to aid the Communists in their war in Spain, including one Carroll Hollister.

Kindly look at that document and tell this committee, while you are under oath, whether or not you were part and parcel of that enterprise to promote the war in Spain.

Mr. SCHERER. No, that is peace.

Mr. SACHER. That is not the question, Mr. Congressman.

Mr. HOLLISTER. I think the question is formulated in such a way that I will have to take as an answer my rights as a citizen under the first and fifth amendments.

Mr. ARENS. Is there any way I could formulate the question that would elicit a full and complete answer?

Mr. HOLLISTER. I don't know, I am sure.

Mr. ARENS. Look at this and tell me in any way, shape, or form, whether you were connected with this Musicians' Committee To Aid Spanish Democracy.

Mr. HOLLISTER. I think the question is in violation of my rights under the first and fifth amendments and I refuse to answer under the grounds previously stated.

(Document marked "Hollister Exhibit No. 5" and retained in committee files.)

Mr. MOULDER. We will take a 5-minute recess.

(Brief recess.)

Mr. MOULDER. The committee will be in order.

Mr. ARENS. I respectfully suggest that we conclude the interrogation of this witness.

Mr. MOULDER. The witness is excused.

(The witness was excused.)

Mr. MOULDER. Call your next witness, Mr. Arens.

Mr. ARENS. Adelaide Klein Annenberg, kindly come forward.

Mr. MOULDER. Do you solemnly swear that the testimony which you are about to give before this subcommittee of the United States Congress will be the truth, the whole truth, and nothing but the truth, so help you God?

Mrs. ANNENBERG. I do.

TESTIMONY OF MRS. ADELAIDE KLEIN ANNENBERG, ACCOMPANIED BY COUNSEL, PAUL M. ROSS

Mr. ARENS. Kindly identify yourself by name, residence, and occupation.

Mrs. ANNENBERG. My name is Adelaide Klein Annenberg. I live at 145 West 55th Street, New York 19, N. Y. I am an actress.

Mr. ARENS. You are appearing today, Mrs. Annenberg, in response to a subpoena which was served upon you by the House Committee on Un-American Activities?

Mrs. ANNENBERG. I am, sir.

Mr. ARENS. And you are represented by counsel?

Mrs. ANNENBERG. Yes, sir.

Mr. ARENS. Counsel, kindly identify yourself for the record.

Mr. ROSS. My name is Paul M. Ross, 635 Madison Avenue, New York, N. Y.

Mr. ARENS. Where are you employed, Mrs. Annenberg?

Mrs. ANNENBERG. I am not employed at the moment.

Mr. ARENS. Where were you last employed?

Mrs. ANNENBERG. I just closed on Saturday night in a play called Jane Eyre.

Mr. ARENS. Where did it play?

Mrs. ANNENBERG. At the Belasco Theater in New York City.

Mr. ARENS. How long were you employed in that particular production?

Mrs. ANNENBERG. Six and a half weeks.

Mr. ARENS. What productions or play were you in immediately prior to it?

(The witness conferred with her counsel.)

Mrs. ANNENBERG. I was in a play that did not come into New York.

Mr. ARENS. Where were you born?

Mrs. ANNENBERG. New York City.

Mr. ARENS. Give us a word, please, about your formal education.

Mrs. ANNENBERG. I was educated in the schools of New York, in the high schools of New York. I have the equivalent of a college degree without a diploma. I never got a diploma. I finished up in various extension and night courses.

Mr. ARENS. How long have you been engaged in the acting profession?

Mrs. ANNENBERG. I would say about 28 years.

Mr. ARENS. Are you a member of the Communist Party?

Mrs. ANNENBERG. I respectfully decline to answer the question.

Mr. ARENS. You are reading from a prepared statement now?

Mrs. ANNENBERG. Yes, I am.

Mr. ARENS. Did you prepare that statement?

Mr. ROSS. I object to the witness being asked if she prepared it.

Mr. ARENS. I request that counsel be advised that his sole and exclusive purpose is to advise his client.

Mrs. ANNENBERG. I prepared the statement with the help of my attorney.

Mr. MOULDER. You have a right to use the statement.

Mr. ARENS. Kindly proceed.

Mrs. ANNENBERG. I respectfully decline to answer the question Mr. Arens has just asked as I have been informed by my counsel that

under the decisions of the United States Supreme Court in the Watkins and Sweezy cases, the powers of this committee are strictly limited to the areas of my beliefs, expressions, or associations on the grounds that such questioning constitutes an interference with my rights under the first amendment; that the enabling resolution of this committee is in itself an unlawful delegation of power and such questioning is in any event beyond the jurisdiction of this committee; that this question or any like question cannot be pertinent to any legitimate subject of inquiry to which this committee can address itself under its enabling resolution; that the purpose of the question addressed to me and any like questions, as well as the requirements of my appearance before your committee today, is for the sake of exposure and for the purpose of doing me personal injury and not for the purpose of pursuing any legitimate subject of inquiry which this committee is lawfully authorized to pursue.

Mr. ARENS. Is that all of the statement?

Mrs. ANNENBERG. That is all.

(At this point, Mr. Scherer left the hearing room.)

Mr. ARENS. Would you kindly tell us whether you know of this organization: Peoples Radio Foundation, Inc.? Is there such an organization to your knowledge?

Mrs. ANNENBERG. I decline to answer that question on the grounds I have just stated.

Mr. ARENS. Are you on the advisory council, or have you been on the advisory council, of the Peoples Radio Foundation, Inc.?

Mrs. ANNENBERG. I must give the same answer, sir.

Mr. ARENS. We should like to display to you now, please, several exhibits in which your stage name, Adelaide Klein, appears as one of the directors, as well as on the advisory council, of the Peoples Radio Foundation, 100 Fifth Avenue, New York, N. Y.

Kindly look at these exhibits and tell this committee whether or not you are accurately and truthfully characterized here as a director and as a member of the advisory council of that organization.

(The witness conferred with her counsel.)

Mrs. ANNENBERG. I must respectfully decline to answer on the grounds already stated.

(Documents marked "Annenberg Exhibits Nos. 1 and 2," and retained in committee files.)

Mr. ARENS. Do you know a person by the name of Martin Berkeley?

(The witness conferred with her counsel.)

Mrs. ANNENBERG. I respectfully decline to answer on the grounds already stated.

Mr. ARENS. I do not know whether or not the record reflects that you are invoking the provisions of the fifth amendment against self-incrimination.

Mrs. ANNENBERG. There has been no direction, sir.

Mr. MOULDER. The witness is ordered and directed to answer the question.

Mrs. ANNENBERG. In view of the direction and in view of all of the reasons I have just given, I must invoke my privilege under the fifth amendment.

Mr. ARENS. Do you know Martin Berkeley?

Mrs. ANNENBERG. I must respectfully decline to answer on all of the grounds previously stated.

Mr. ARENS. Martin Berkeley took an oath before this committee and he stated that he knew you as a member of the Communist Party. Was he telling the truth?

Mrs. ANNENBERG. I respectfully decline to answer on all of the grounds previously stated.

Mr. ARENS. And on all the grounds previously stated, are you encompassing the provisions of the fifth amendment which endow you with the privilege of declining to give information which in your honest judgment could be used against you in a criminal proceeding?

Mrs. ANNENBERG. Yes, sir.

Mr. ARENS. Have you taken any position on these recent purges in Hungary?

Mrs. ANNENBERG. I respectfully decline to answer that question on all the grounds previously stated.

Mr. ARENS. You took a position on the purges in the Soviet Union in which a number of people were shot?

Mrs. ANNENBERG. I respectfully decline to answer that question on the grounds previously stated.

Mr. ARENS. Was your position in defense of the Soviet Union for shooting them?

Mrs. ANNENBERG. I respectfully decline to answer that question on all the grounds previously stated.

Mr. ARENS. I should like to display to you a copy of an article from New Masses, entitled "The Moscow Trials," a statement by American Progressives, signed by a number of people who are peaceful and progressive—according to this, so peaceful that they are endorsing the murder by the Soviet Union of vast segments of its society.

Kindly look at this article and tell this committee while you are under oath whether or not you lent your name as an actress to this statement which was issued and disseminated over the length and breadth of this land.

(The document was handed to the witness.)

(The witness conferred with her counsel.)

Mr. ARENS. We have another exhibit to which we should like to direct your attention in which the Daily Worker calls the attention of the world to the leading artists and educators supporting the trial verdict.

Among the leading artists who are characterized as lending the prestige and dignity and prominence of their names to this statement is Adelaide Klein.

Kindly look at that exhibit, along with the one just displayed to you, and tell this committee whether or not you did so participate in that enterprise.

(The document was handed to the witness.)

(The witness conferred with her counsel.)

Mrs. ANNENBERG. I respectfully decline to answer the questions on all the grounds previously stated.

(Documents marked "Annenberg Exhibits Nos. 3 and 4," and retained in committee files.)

Mr. ARENS. Do you know Howard Fast?

Mrs. ANNENBERG. I respectfully decline to answer the question on all the grounds previously stated.

Mr. ARENS. I have an article here to which we should like to direct your attention which, by indirection at least, will help give us a little

information as to whether or not Communists in the entertainment field are lending their prestige and dignity, the glamour of their position to Communist enterprises:

"Meeting Tonight To Help Free Howard Fast." It tells of a meeting of a number of people for the purpose of sponsoring a movement to free Howard Fast, who was serving a jail sentence at that time for contempt of Congress. According to this article, Adelaide Klein, will participate at the meeting by reading a poem—participate in a dramatization of a book Freedom Road.

Kindly look at that copy of an article and see if it refreshes your recollection with reference to your participation in that enterprise.

(The document was handed to the witness.)

(The witness conferred with her counsel.)

Mrs. ANNENBERG. I decline to answer those questions on all the grounds previously stated.

(Document marked "Annenberg Exhibit No. 5" and retained in committee files.)

Mr. ARENS. Mr. Chairman, I respectfully suggest we conclude the interrogation.

Mr. MOULDER. Are you the Adelaide Klein referred to in the documents?

Mrs. ANNENBERG. I decline to answer that question on the grounds previously stated.

Mr. MOULDER. Have you at any time contributed money, financial support, to the Communist Party?

Mrs. ANNENBERG. I respectfully decline to answer that question on all the grounds previously stated.

Mr. MOULDER. The witness is excused.

(The witness was excused.)

Mr. ARENS. I respectfully suggest that the next witness be Mr. Arthur Lief. Kindly come forward.

Mr. MOULDER. Do you solemnly swear that the testimony which you are about to give before this subcommittee of the United States Congress will be the truth, the whole truth, and nothing but the truth, so help you God?

Mr. LIEF. I do.

TESTIMONY OF ARTHUR LIEF, ACCOMPANIED BY COUNSEL, DAVID A. BARNHARD

Mr. ARENS. Kindly identify yourself by name, residence, and occupation.

Mr. LIEF. My name is Arthur Lief. My residence is 44 West 77th. I am a musician by profession.

Mr. ARENS. Have you used any name other than Arthur Lief?

Mr. LEE. The only other name was the name I was born with which was changed by court order, which was changed about 25 years ago.

(At this point, Mr. Scherer returned to the hearing room.)

(At this point Mr. Moulder left the hearing room.)

Mr. ARENS. What was that name, please?

Mr. LIEF. Lipshutz.

Mr. ARENS. Was the first name Lipshutz?

Mr. LIEF. No, it was Abraham.

Mr. ARENS. I want to be sure that the record reflects the accurate spelling there. Would you kindly spell both names?

Mr. LIEF. A-b-r-a-h-a-m L-i-p-s-h-u-t-z.

Mr. ARENS. Where and when were you born?

Mr. LIEF. I was born in London, England, June 4, 1907.

Mr. ARENS. When did you come to the United States for permanent residence?

Mr. LIEF. I believe at the age of about a year or a year and a half.

Mr. ARENS. Are you a citizen of the United States?

Mr. LIEF. I am.

Mr. ARENS. Is that by derivation?

Mr. LIEF. That is right.

Mr. ARENS. You are appearing today in response to a subpoena served upon you by the House Committee on Un-American Activities?

Mr. LIEF. Yes, I am.

Mr. ARENS. Are you represented by counsel?

Mr. BARNHARD. David A. Barnhard, 2 West 46th Street, Manhattan.

Mr. ARENS. What is your present occupation?

Mr. LIEF. I am connected with the Moiseyev Dance Co.

Mr. ARENS. Is that the Moiseyev Russian ballet?

Mr. LIEF. That is right.

Mr. ARENS. In what connection are you associated with that enterprise?

Mr. LIEF. As American guest conductor.

Mr. ARENS. How long have you been the American guest conductor of the Russian ballet?

Mr. LIEF. Since their first appearance here which is roughly about 8 or 9 weeks ago.

Mr. ARENS. Have you actually conducted for them since they have been in this country?

Mr. LIEF. Yes; I have.

Mr. ARENS. Where have you been conducting for them?

Mr. LIEF. In most of the cities where they have appeared from coast to coast.

Mr. ARENS. I have to confess to you, sir, a lack of close attention to the papers with reference to this Russian ballet. Where are they playing now?

Mr. LIEF. Right now they are playing in Washington, D. C.

Mr. ARENS. In what cities have you conducted?

Mr. LIEF. What cities?

Mr. ARENS. Yes, sir.

Mr. LIEF. San Francisco, St. Louis, Cleveland, Philadelphia, Boston, Washington.

Mr. ARENS. How many performances?

Mr. LIEF. I do several of the numbers at each performance.

Mr. ARENS. Who first contacted you for your job as the American conductor of the Russian ballet?

Mr. LIEF. I applied for the job in the usual channels.

Mr. ARENS. Where did you apply for the job?

Mr. LIEF. To the American impresario who brought the company here.

Mr. ARENS. When did you apply for the job?

Mr. LIEF. When I first heard that the group was going to be brought here.

Mr. ARENS. What year was that?

Mr. LIEF. I would say sometime in the fall of last year.

Mr. ARENS. Who is this American impressario?

Mr. LIEF. Mr. Hurok.

Mr. ARENS. Did you know Mr. Hurok previously?

Mr. LIEF. Yes.

Mr. ARENS. What has been the nature of your previous acquaintanceship with Mr. Hurok?

Mr. LIEF. I had worked for him in the past.

Mr. ARENS. Are you a member of the Communist Party?

(The witness conferred with his counsel.)

Mr. LIEF. I decline to answer on the grounds of the first and fifth amendments.

Mr. ARENS. Did you have any discussion with Mr. Hurok at any time with respect to whether or not you are a member of the Communist Party?

Mr. LIEF. I decline to answer on the grounds of the first and fifth amendments.

Mr. ARENS. Where have you been employed in the course of the last few years?

Mr. LIEF. Previous to the Moiseyev company, I was on tour with Invol.

Mr. ARENS. What is that?

Mr. LIEF. It is a folk-dance company from Israel.

Mr. ARENS. What did you do for Invol?

Mr. LIEF. I was American guest conductor.

Mr. ARENS. Who arranged for your employment in that capacity?

Mr. LIEF. Mr. Hurok.

Mr. ARENS. Were you a Communist when you were a guest conductor for Invol?

Mr. LIEF. I decline to answer on the grounds of the first and fifth amendments.

Mr. ARENS. Proceed to give us other principal employments you have had in the past few years.

Mr. LIEF. Previous to Invol, I traveled with the Royale Ballet from London, also as American guest conductor.

Mr. ARENS. Who arranged for your employment in that capacity?

Mr. LIEF. Mr. Hurok.

Mr. ARENS. Were you a Communist when you were the guest conductor for the Royale Ballet of England?

Mr. LIEF. I respectfully decline to answer on the grounds of the first and fifth amendments.

Mr. ARENS. Give us another principal employment.

Mr. LIEF. Last summer, the summer of 1957, I was employed by Michael P. Grace in a production of a show in Central Park as musical director.

Mr. ARENS. What was the show, do you recall?

Mr. LIEF. Rosalie.

Mr. ARENS. Was that promoted by the municipal authorities or is it a private enterprise?

Mr. LIEF. I cannot quite answer that accurately. I believe that it was a private enterprise since Mr. Grace was licensed by the park department to produce shows in Central Park.

Mr. ARENS. Do you know a man by the name of George Koukly?

Mr. LIEF. I decline to answer on the grounds of the first and fifth amendments.

Mr. ARENS. Do you know where Koukly is employed?

Mr. LIEF. I decline to answer on the grounds of the first and fifth amendments.

Mr. ARENS. Was your employment with the Russian ballet procured for you or facilitated for you by any person known by you to be a member of the Communist Party?

Mr. LIEF. I decline to answer on the grounds of the first and fifth amendments.

Mr. ARENS. Are you, or have you been, engaged in TV work in the recent past?

(The witness conferred with his counsel.)

Mr. LIEF. As far as I can remember, no.

Mr. ARENS. Are you a member of a trade union in the profession?

Mr. LIEF. Yes, I am a member of Local 802, American Federation of Musicians.

Mr. ARENS. Have you held any office or post in that organization?

Mr. LIEF. No, I have not.

Mr. ARENS. Have you been the director of the Jefferson Chorus?

Mr. LIEF. I decline to answer on the grounds of the first and fifth amendments.

Mr. ARENS. Have you ever instructed at the Metropolitan Music School?

Mr. LIEF. No, I have not.

Mr. ARENS. Is George Koukly one of the members of the orchestra of the Russian ballet company?

Mr. LIEF. I decline to answer on the grounds of the first and fifth amendments.

Mr. ARENS. Did you have anything to do with his employment with the Russian ballet company orchestra?

Mr. LIEF. I decline to answer on the grounds of the first and fifth amendments.

Mr. ARENS. Are there persons in the Russian ballet orchestra who are members of the Communist Party?

Mr. LIEF. I decline to answer on the grounds of the first and fifth amendments.

Mr. ARENS. Have you received any compensation as director of the Jefferson Chorus?

Mr. LIEF. I decline to answer on the grounds of the first and fifth amendments.

Mr. ARENS. I have a copy of the Communist Daily Worker in which an article appears: "Jefferson Chorus presents Informal Concert, directed by Arthur Lief," and so forth; that tickets are available at the Jefferson School Bookshop, Local 65 Bookshop, Workers Bookshop.

Kindly look at that exhibit and tell the committee whether or not your participation in that enterprise described in the Daily Worker is true, honest, and correct.

Mr. LIEF. I decline to answer on the same grounds of the first and fifth amendments.

(Document marked "Lief Exhibit No. 1" and retained in committee files.)

Mr. ARENS. Have you been in any sessions other than the professional sessions with the members of the Russian ballet, their business agents, members of their company, in connection with that presentation since their arrival in the United States?

(The witness conferred with his counsel.)

Mr. LIEF. I decline to answer on the grounds of the first and fifth amendments.

Mr. ARENS. Do you honestly apprehend, sir, that if you told this committee the facts respecting any sessions in which you may have been engaged with the people of Soviet Russia in this ballet company, whether actors, performers, business people, and the like, you would be supplying information which might be used against you, sir, in a criminal proceeding?

(The witness conferred with his counsel.)

Mr. LIEF. I decline to answer on the same grounds.

Mr. ARENS. I respectfully suggest, Mr. Chairman, that the witness be directed and ordered to answer that outstanding principal question, which is posed to him for the purposes of testing his good faith, because if he does not honestly apprehend that the information might be used against him in a criminal proceeding, he has no right to invoke the fifth amendment.

On the other hand, if he does honestly apprehend that if he told us concerning any session he has been in with the Soviet Union people who are here—

Mr. TUCK. The witness is ordered and directed to answer the question.

Mr. LIEF. I must still decline to answer the question on the same grounds.

Mr. TUCK. In no spirit of threat, it is my duty to warn you that you may be found guilty of contempt. Do you still decline to answer?

Mr. LIEF. I do.

Mr. ARENS. How many members in the orchestra?

Mr. LIEF. There are 25 members of the orchestra who traveled on the tour.

Mr. ARENS. How many of them are Americans?

Mr. LIEF. All of them. Excuse me. There are three men who play accordians who are members of the Russian company. They play with the company.

Mr. ARENS. Twenty-odd Americans in the orchestra?

Mr. LIEF. That is right.

Mr. ARENS. How many of those twenty-odd Americans, to your knowledge, are Communists?

Mr. LIEF. I must decline to answer on the same grounds.

Mr. ARENS. I respectfully suggest that would conclude the staff interrogation of this witness.

Mr. TUCK. The witness is excused.

(The witness was excused.)

Mr. ARENS. Mr. Curt Conway, kindly come forward.

I suggest, in view of the fact that he does not respond to the call at this time, we give him the benefit of the doubt and assume he will be here in the morning.

Therefore, Mr. Chairman, I would suggest that that would conclude the interrogation of witnesses, at least staff-wise, and I respectfully suggest that we reconvene tomorrow morning at 10 o'clock.

Mr. TUCK. The meeting will stand in recess until 10 o'clock tomorrow. Those witnesses who have been summoned to appear today and who have not yet testified, will make themselves available to the committee at 10 o'clock tomorrow morning.

The committee stands in recess.

(Whereupon, at 4:20 p. m., Wednesday, June 18, 1958, the hearing was recessed, to reconvene at 10 a. m., on the following day.)

COMMUNISM IN THE NEW YORK AREA

(Entertainment)

THURSDAY, JUNE 19, 1958

UNITED STATES HOUSE OF REPRESENTATIVES,
SUBCOMMITTEE OF THE
COMMITTEE ON UN-AMERICAN ACTIVITIES,
New York, N. Y.
PUBLIC HEARINGS

The subcommittee of the Committee on Un-American Activities met at 10 a. m., pursuant to recess, in room 129, Federal Court House, Foley Square, New York, N. Y., Hon. Morgan M. Moulder, chairman of the subcommittee.

Committee members present: Representatives Morgan M. Moulder, of Missouri (appearance as noted); William M. Tuck, of Virginia; and Gordon H. Scherer, of Ohio.

Staff members present: Richard Arens, staff director, and Donald T. Appell, investigator.

Mr. TUCK (presiding). The committee will come to order.

Mr. ARENS. Mr. James Proctor, kindly come forward.

Mr. TUCK. In the testimony you are about to give do you solemnly swear to tell the truth, the whole truth, and nothing but the truth, so help you God?

Mr. PROCTOR. I do.

TESTIMONY OF JAMES D. PROCTOR, ACCOMPANIED BY COUNSEL, EPHRAIM LONDON

Mr. ARENS. Kindly identify yourself by name, residence, and occupation.

Mr. PROCTOR. My name is James D. Proctor. I live at 20 West 84th Street and I am a free-lance publicist.

Mr. ARENS. You are appearing today, Mr. Proctor, in response to a subpoena which was served upon you by the House Committee on Un-American Activities?

Mr. PROCTOR. I am.

Mr. ARENS. You are represented by counsel?

Mr. PROCTOR. I am.

Mr. ARENS. Counsel, kindly identify yourself.

Mr. LONDON. Ephraim London, 150 Broadway, New York City.

Mr. ARENS. Where are you currently employed?

Mr. PROCTOR. I am currently employed for a play called Look Homeward, Angel.

Mr. ARENS. Who is your employer?

Mr. PROCTOR. Kermit Bloomgarden.

Mr. ARENS. How long has that employment endured?

Mr. PROCTOR. That play opened in New York on Thanksgiving night, and I was employed on it for a period of 6 to 8 weeks previous to its New York opening.

Mr. ARENS. What was your employment immediately prior to your employment in the production of this play?

Mr. PROCTOR. I believe it was in a production called *The Diary of Anne Frank*.

Mr. ARENS. How long did that employment endure?

Mr. PROCTOR. For a period of about 2 years.

Mr. ARENS. And your employment immediately prior to that, if you recall?

Mr. PROCTOR. I believe it was a play called *A View From the Bridge*.

Mr. ARENS. How long did that employment endure?

Mr. PROCTOR. I believe that play ran for a period of about 4 or 5 months.

Mr. ARENS. Are you now, or have you ever been, a member of the Communist Party?

Mr. PROCTOR. I am going to read a short statement, Mr. Arens, in reply to that question.

I refuse on several grounds to answer your question.

First, I consider your question improper. You are asking it, seeking to pry into my private opinions and associations. A concomitant of the right of free speech is the right to remain silent about one's thinking, and I have the right—in fact, the obligation—to resist any such invasion of my rights, to refuse to discuss or divulge my opinions and associations. I, therefore, exercise my constitutional rights under the first amendment to refuse to answer.

Second, I do not think this committee has the right, the authority, or the power to require an answer to the question. There can be no legitimate purpose. The only possible results of the inquiry are to cause me to lose employment since, as you know, anyone called before this committee alone is considered controversial and, therefore, a candidate for the blacklist.

And, to publicly assist the members of this committee as a professional publicist, I cannot publicly recognize the techniques employed by the committee in that respect. The committee cannot claim it is seeking information, since it has already questioned me in closed session.

The committee cannot pretend after so very many years of investigation that there can be any legitimate reasons for the continuance of the investigation at this time. I consider the first two reasons adequate and sufficient. I know, however, if I rest on them alone I shall be subject to harassment and expense of defending contempt proceedings, which I cannot afford.

I, therefore, also invoke my fifth amendment rights to refuse to be a witness against myself and on that ground, also, refuse to answer the question.

I will add—not because this committee has any right to know, but only because under the circumstances my failure to make a statement may injure my associates—that I am not a member of the Communist Party.

Mr. ARENS. Would you read the last sentence?

Mr. PROCTOR. I will add—not because this committee has any right to know, but only because under the circumstances my failure to make the statement may injure my associates—that I am not a member of the Communist Party.

Mr. ARENS. Have you ever been a member of the Communist Party?

Mr. PROCTOR. I have just answered the question.

Mr. ARENS. I respectfully request that the witness be ordered and directed to answer the question as to whether he has ever been a member of the Communist Party.

Mr. TUCK. The acting chairman of the committee orders and directs you to answer the question.

(The witness conferred with his counsel.)

Mr. PROCTOR. I decline for the reasons I have already stated to answer the question.

Mr. ARENS. Have you been a member of the Communist Party since you were served with your subpoena to appear before this committee some weeks ago?

Mr. PROCTOR. I have already declined to answer that question put in another form.

Mr. ARENS. I suggest it is a different question and a different time element and I request that the witness be ordered and directed to answer the question whether he has been a member of the Communist Party since he was served with his subpoena.

Mr. PROCTOR. I invoke my constitutional rights.

Mr. ARENS. Were you a Communist Party member in the course of the last month?

Mr. PROCTOR. I refuse to answer that question on the same grounds.

Mr. ARENS. Were you a Communist Party member in the course of the last 2 weeks?

Mr. PROCTOR. I decline to answer that question on the same grounds.

Mr. ARENS. Were you a Communist Party member any time during the course of the last week?

Mr. PROCTOR. I decline on the same grounds.

Mr. ARENS. Were you a member of the Communist Party any time in the course of the last 2 days?

Mr. PROCTOR. I decline to answer that question for the reasons and grounds previously stated.

Mr. ARENS. Are there persons presently in the entertainment industry who, to your certain knowledge are, or in the recent past have been, members of the Communist Party?

Mr. PROCTOR. Your question assumes that I would be in a position to know whether or not there are such people in the entertainment industry, and I decline to answer that question on the grounds previously stated.

Mr. ARENS. Do you honestly apprehend that if you truthfully gave this committee such knowledge as you possess as to whether there are people in the entertainment industry who are members of the Communist Party, you might be giving information which might be used against you in a criminal proceeding?

(The witness conferred with his counsel.)

Mr. PROCTOR. I believe that question really to be improper but I decline to answer that question on the grounds previously stated.

Mr. ARENS. I respectfully request the witness be ordered and directed to answer the question in order to test his good faith in the

invocation of the fifth amendment. He has no right to invoke that unless he truly apprehends that the information could be used against him in a criminal proceeding.

Mr. TUCK. As acting chairman of the subcommittee, the witness is ordered and directed to answer the question.

Mr. PROCTOR. My attorney advises me that the question is completely improper.

Mr. ARENS. Does the record reflect an order and direction to the witness to answer the question? The purpose of the question is to test the good faith of this man in invoking the fifth amendment because unless he truly apprehends possible criminal prosecution as a result of his answer, he does not have a right to invoke the fifth amendment. (The witness conferred with his counsel.)

Mr. SCHERER. I think the statement of counsel is particularly applicable in view of the fact that the witness, in reading his statement, said he was going to invoke the fifth amendment because he said he would face great expense in contempt proceedings.

That statement on its face indicates that he is not invoking the amendment in good faith, and not because it will incriminate him, but because he will probably face contempt charges and put him to great expense.

Therefore, counsel's statement in this instance is particularly apropos in testing his good faith in invoking the amendment.

Mr. TUCK. I think the point is well taken and it becomes my duty to advise the witness through no spirit of threat that he may find himself in contempt of one of the committees of Congress. In the light of that information, do you still decline to answer that question?

Mr. LONDON. May I make a statement, Mr. Chairman?

Mr. TUCK. It is my understanding, under the rules of the committee, that you are to advise your witness and he is to speak to the committee.

Mr. LONDON. It was for that reason that I asked the chairman's permission. I understand the rules to be the same, but I, of course, believe the chairman has the right to permit a statement to be made by counsel for any witness.

Mr. ARENS. The status of the record is that a request of the chairman was made by myself for an order and direction to this witness to answer the question. Now, if he does not answer the question, we will proceed to another question, and the record will then speak for itself.

Mr. TUCK. He has not said whether or not he is going to answer.

Mr. LONDON. There is still a question to the chairman as to whether or not I may be permitted to make a statement.

Mr. TUCK. I am not going to permit you to make a statement now. Speak to the witness.

Mr. ARENS. Will you kindly answer the question.

Mr. TUCK. Advise the witness of his constitutional rights.

Mr. PROCTOR. On the advice of my attorney for the reasons given before, I decline to answer.

Mr. ARENS. Do you have a recollection of a participation in March 1949 in a Cultural and Scientific Conference for World Peace, the so-called Waldorf-Astoria Conference, held in March of 1949 under the auspices of the National Council of the Arts, Sciences, and Professions?

(The witness conferred with his counsel.)

Mr. PROCTOR. I decline to answer that question on the grounds previously stated, the first and fifth amendment.

Mr. ARENS. The Secretary of State, some few years ago, characterized the Waldorf-Astoria Conference as a sounding board for Communist propaganda. Did you know that the Waldorf-Astoria Conference was an enterprise for the dissemination of Communist propaganda?

Mr. PROCTOR. I do not think I have to discuss my political opinions here, but I decline to answer on the grounds previously stated.

Mr. ARENS. Did you, as a publicist in the entertainment industry, lend your talents, your prestige, to the promotion of this so-called Waldorf-Astoria Conference in 1949?

Mr. PROCTOR. I decline to answer that question for the reasons previously stated.

Mr. ARENS. Do you know a man by the name of Elia Kazan?

Mr. PROCTOR. Yes, I do.

Mr. ARENS. Do you know his wife?

Mr. PROCTOR. Yes, I do.

Mr. ARENS. Did you call his wife, Elia Kazan's wife, on the telephone and apologize to her for using her name, without her permission as a sponsor of this Waldorf-Astoria Conference?

(The witness conferred with his counsel.)

Mr. PROCTOR. I decline to answer that question, sir. I decline on the same grounds, to answer that question.

Mr. ARENS. I should like to read you an excerpt from testimony under oath before this committee by Elia Kazan, in which he speaks about the Waldorf-Astoria Conference and then proceeds in part as follows:

I did not sponsor or attend the Waldorf Peace Conference. My wife's name was used as a sponsor without her permission. She protested and asked for its withdrawal in a letter to Professor Harlow Shapley of Harvard University, who had some official post. She received no answer from him, but she did get an apology from James Proctor, who had given her name without her permission.

Is this statement by Elia Kazan, to your certain knowledge, substantially true and correct?

Mr. PROCTOR. I decline to answer that question on the grounds previously stated.

Mr. ARENS. Who was J. Edward Bromberg?

Mr. PROCTOR. An actor.

Mr. ARENS. Do you know whether or not he was a Communist?

Mr. PROCTOR. Your question assumes that I would be in a position to know whether he was a Communist.

Mr. ARENS. Were you in such a position?

Mr. PROCTOR. I decline to answer that question on the grounds previously stated.

Mr. ARENS. I want to go into the question of assumption that you complain about. Were you in a position to know whether or not J. Edward Bromberg was a Communist?

Mr. PROCTOR. I decline to answer that question.

Mr. ARENS. We should like to display to you——

Mr. SCHERER. Was Mr. Arens' assumption correct or incorrect?

Mr. PROCTOR. I decline to answer that question on the grounds previously stated.

Mr. ARENS. We should like to display to you now a photostatic copy of a letter headed, "J. Edward Bromberg Memorial Evening" in which one of the promoters of this enterprise is listed as James Proctor.

Kindly look at this letter if you please, sir, and tell this committee whether or not you, as a publicist in the entertainment industry, loaned your talents, your prestige, and your name to that enterprise honoring J. Edward Bromberg?

(The document was handed to the witness.)

(The witness conferred with his counsel.)

Mr. PROCTOR. I decline to answer that question on the grounds previously stated, but I would like to add that, in my opinion, this is a very unfair question because you are, by mentioning these names, injuring these people.

I would have the same answer if I were asked by a member of the committee whether Mr. Arens was a member of the Communist Party.

(Document marked "Proctor Exhibit No. 1," and retained in committee files.)

Mr. ARENS. You would not take the fifth amendment on that, would you? You have never served in a Communist Party meeting with me, have you? If you did, you would not be invoking the fifth amendment in good faith and you would be subject to a contempt action.

We would like to display to you a photostatic reproduction of a flyer, "Broadway Supports the Miners," issued in the early 1950's in which a number of people on Broadway—the majority of whom have been identified under oath by live witnesses as Communists—are to have, according to this flyer, a big midnight rally at the Carnival Room, Hotel Capitol, 51st Street and 8th Avenue, to hear Millard Lampell, who has been identified as a Communist.

Among the persons on Broadway who are lending their names and glamor and prestige to this rally, we see listed the name of James Proctor.

If this name is listed erroneously or without your consent, then kindly tell us. Kindly look at that document and be good enough to verify its authenticity, if you will, of that listing.

(A document was handed to the witness.)

(The witness conferred with his counsel.)

Mr. PROCTOR. Have you made a statement or are you asking me a question?

Mr. ARENS. I think the record is clear. I respectfully suggest that you answer the question.

Mr. PROCTOR. I am honestly puzzled as to the question.

Mr. ARENS. Does that flier there, which you now hold in your hand listing your name along with a number of other persons sponsoring the rally, "Broadway Supports the Miners," truly and correctly represent the fact that you did, with your knowledge and consent, let them use your name?

Mr. PROCTOR. I must decline to answer that question sir.

(Document marked "Proctor Exhibit No. 2," and retained in committee files.)

Mr. ARENS. Have you, over the course of the last several years, as a Broadway publicity agent, contributed your talents and your energy and your ability to the promotion of certain Communist-front activities?

Mr. PROCTOR. I decline to answer that question, sir, on the grounds previously stated.

Mr. ARENS. I respectfully suggest we conclude the staff interrogation of this witness.

Mr. TUCK. There are no further questions of this witness. The witness is excused.

Call your next witness.

Mr. ARENS. Joseph Papirofsky, kindly come forward.

(At this point Mr. Moulder entered the hearing room.)

Mr. MOULDER. Do you solemnly swear that the testimony which you are about to give before this subcommittee of the United States Congress will be the truth, the whole truth, and nothing but the truth, so help you God?

Mr. PAPIROFSKY. I do.

TESTIMONY OF JOSEPH PAPIROFSKY (PAPP), ACCOMPANIED BY COUNSEL, EPHRAIM LONDON

Mr. ARENS. Kindly identify yourself by name, residence, and occupation.

Mr. PAPIROFSKY. My name is Joseph Papirofsky.

Mr. ARENS. Would you be good enough to spell that for us, please?

Mr. PAPIROFSKY. P-a-p-i-r-o-f-s-k-y. I reside at 410 Central Park West, in Manhattan, and I am a producer of Shakespearean plays for Central Park.

Mr. ARENS. You are appearing today, Mr. Papirofsky, in response to a subpoena which was served upon you by the House Committee on Un-American Activities?

Mr. PAPIROFSKY. That is right.

Mr. ARENS. You are represented by counsel?

Mr. PAPIROFSKY. Yes.

Mr. ARENS. Counsel, will you kindly identify yourself.

Mr. LONDON. Ephraim London, 150 Broadway, New York City.

Mr. ARENS. Are you also known, Mr. Papirofsky, as Mr. Papp?

Mr. PAPIROFSKY. Yes, my professional name is Mr. Papp.

Mr. ARENS. Where and when were you born, please sir?

Mr. PAPIROFSKY. I was born in Williamsburg, Brooklyn, June 22, 1921.

Mr. ARENS. Give us a word please, sir, about your formal education.

Mr. PAPIROFSKY. High-school graduate.

Mr. ARENS. And a thumbnail sketch, if you do not mind, sir, of your professional career.

Mr. PAPIROFSKY. Working from the present back?

Mr. ARENS. Either direction, whichever is more convenient to you.

Mr. PAPIROFSKY. My present work is primarily centered around the New York Shakespeare Festival, which is an educational non-profit organization chartered by the State education department, established for the purpose of producing plays for the general public without admission charge.

The programs also include free performances of Shakespeare for high-school students.

Mr. ARENS. May I interrupt to ask you right there, is there a distinction to be made between the New York Shakespeare Festival and the New York Shakespeare Workshop?

Mr. PAPIROFSKY. The Workshop is the correct corporate name under the New York laws. Shakespearean Theater Workshop is a modification of that.

Mr. ARENS. The Shakespeare Workshop produces the Shakespeare Festival, is that correct?

Mr. PAPIROFSKY. In effect, I would say that is correct.

Mr. ARENS. If I am not burdening you too much here in the recitation of the facts of this particular enterprise, what is your connection with the Workshop?

Mr. PAPIROFSKY. I am producer of the New York Shakespeare Festival having the same role with the Workshop.

Mr. ARENS. How long has the Workshop been in existence?

Mr. PAPIROFSKY. I believe the charter was issued in September of 1954.

Mr. ARENS. Is it incorporated?

Mr. PAPIROFSKY. It is a State-chartered organization. It is a non-profit organization. I am the head and founder of the organization and the moving force behind the organization.

Mr. ARENS. Does it enjoy tax-free status?

Mr. PAPIROFSKY. Yes, it does.

Mr. ARENS. Do you receive a salary from this Workshop?

Mr. PAPIROFSKY. I began to receive a salary 5 months ago. For the first 3 years, I received no salary.

Mr. ARENS. Is this a full-time activity by yourself?

Mr. PAPIROFSKY. It is a most time-consuming and full-time activity.

Mr. ARENS. Would you give us a word, sir, about your prior employment?

Mr. MOULDER. How is it financed?

Mr. PAPIROFSKY. It is financed through contributions from the general public, from foundations, and part of the financing, indirect finance, is the fact that we are on city property and the city, in effect, contributes facilities for making that possible.

(The witness conferred with his counsel.)

Mr. ARENS. On that same theme, could you give us a word about the budget? What is the aggregate income and expenditure of the organization?

Mr. PAPIROFSKY. It is related to what it costs to produce a Shakespearean play. We have done, starting 2 years ago in the park, with Julius Caesar, the Taming of the Shrew, which was done on the lower East Side. Then we moved into the Central Park with Romeo and Juliet.

Mr. ARENS. I did not make myself clear. What is the approximate budget of the organization per year?

Mr. PAPIROFSKY. It is very difficult to get an exact figure, but I can tell you what a show would cost. I mentioned the number of shows, you might add it up, because the costs have increased as we go on because we began to pay people's salaries. Prior to this point, there were no salaries paid.

The production we plan to open on July 2, will cost approximately \$4,000 a week to run and has a preproduction cost of approximately \$18,000. This is the highest budget we have had yet.

Mr. ARENS. Would the budget in the aggregate for all of the activities of the organization run in the neighborhood of a million dollars a year?

Mr. PAPIROFSKY. No, I am afraid not. I would say roughly if we were to continue on the basis we are playing now, it would cost approximately—playing 10 or 11 months a year—\$200,000 a year to operate.

Mr. ARENS. Would you kindly tell us the employment you had prior to your connection with the Workshop?

Mr. PAPIROFSKY. I did not hear the first part of your question.

Mr. ARENS. Kindly tell us the employment you had prior to your employment with the Workshop, just your prior employment.

(The witness conferred with his counsel.)

Mr. PAPIROFSKY. Prior to working with the Festival, I was employed by CBS as a stage manager.

Mr. ARENS. Over what period of time?

Mr. PAPIROFSKY. I am still employed by CBS as a stage manager.

Mr. ARENS. When did that employment begin?

Mr. PAPIROFSKY. It began sometime in 1951.

Mr. ARENS. What productions have you managed?

Mr. PAPIROFSKY. A variety of productions. I am on the staff of the Columbia Broadcasting System and do many, many shows. The last show I did last night was, I've Got a Secret.

Mr. ARENS. What was your connection prior to CBS?

Mr. PAPIROFSKY. Prior to that I was in California and I worked for the Actors' Laboratory, Inc.

Mr. ARENS. How long did you work for the Actors' Laboratory, Inc.?

Mr. PAPIROFSKY. I came to the Actors' Laboratory as a student under the GI bill, and then I became employed there for approximately 2 years. I think it was from 1948 to 1950.

Mr. ARENS. In what capacity?

Mr. PAPIROFSKY. I worked in the office as kind of a manager.

Mr. ARENS. Were there any other schools with which you were connected in California?

(The witness conferred with his counsel.)

Mr. PAPIROFSKY. Yes, I also taught acting to working people at the California Labor School; again, this was a labor of love.

Mr. ARENS. Over what period of time did you teach acting at the California Labor School?

Mr. PAPIROFSKY. I do not remember exactly but I think it was for about a year. I do not remember the exact date.

Mr. ARENS. Did you teach at any other school in California?

Mr. PAPIROFSKY. I am trying to remember. I did do some teaching—this is extracurricular—at UCLA.

Mr. ARENS. Did you do any teaching at the People's Drama School of Theatre in California?

Mr. PAPIROFSKY. No, not in California.

Mr. ARENS. Where was that?

Mr. PAPIROFSKY. In New York.

Mr. ARENS. What period of time did you teach there?

Mr. PAPIROFSKY. 6 or 7 months. I taught acting.

Mr. ARENS. Mr. Papirofsky, are you now, or have you ever been, a member of the Communist Party?

Mr. PAPIROFSKY. I am not now a member of the Communist Party.

Mr. ARENS. Were you a member of the Communist Party at any time since you received your subpoena to appear before this committee? (The witness conferred with his counsel.)

Mr. PAPIROFSKY. I must decline to answer that question on the grounds of self-incrimination.

Mr. ARENS. Were you a member of the Communist Party during the course of the last month?

Mr. PAPIROFSKY. No, sir.

Mr. ARENS. When were you served with your subpoena to appear before this committee? Our records reflect it, but I do not have it readily available.

Mr. PAPIROFSKY. I wish you would read it to me because I do not have the exact date.

Mr. ARENS. You were served with your subpoena to appear before this committee on April 16, 1958, according to our records. Does that refresh your recollection?

Mr. PAPIROFSKY. I think that is approximately the time.

Mr. ARENS. Have you been a member of the Communist Party at any time since you received your subpoena on April 16, 1958?

Mr. PAPIROFSKY. No, sir; I have not.

Mr. ARENS. Have you been a member of the Communist Party in the course of the last year?

Mr. PAPIROFSKY. No, sir. Would you specify the years—1957 and 1958—no, sir; I have not.

Mr. ARENS. Have you been a member of the Communist Party any time since January 1955?

Mr. PAPIROFSKY. I must decline to answer that question on the grounds of self-incrimination.

Mr. ARENS. Have you been a member of the Communist Party since June 1955?

Mr. PAPIROFSKY. No, sir.

Mr. ARENS. Have you been a member of the Communist Party any time since February 1955?

Mr. PAPIROFSKY. I must decline to answer that question on the same grounds.

Mr. ARENS. Are there persons presently in the entertainment industry who, to your certain knowledge, are or in the recent past have been members of the Communist Party?

(The witness conferred with his counsel.)

Mr. PAPIROFSKY. I am afraid I do not know the answer to that question.

Mr. ARENS. Have you resigned from the Communist Party?

Mr. PAPIROFSKY. The assumption is that I was a member of the Communist Party; and, therefore, I must respectfully decline to answer that on the basis of the fifth amendment.

Mr. ARENS. Are you a Communist, though not a member of the Communist Party?

Mr. PAPIROFSKY. The answer to that is "No."

Mr. ARENS. Have you been since January 1, 1955, a Communist?

Mr. PAPIROFSKY. I must decline to answer that on the same grounds.

Mr. ARENS. Did I understand you to say that when you were instructing at the California Labor School there was no compensation involved; it was a labor of love?

Mr. PAPIROFSKY. To the best of my knowledge, I think there was no pay.

Mr. ARENS. Did you know that the California Labor School was controlled by the Communist conspiracy?

Mr. PAPIROFSKY. I did not know it was so controlled.

Mr. ARENS. Were you a Communist when you were teaching at the California Labor School?

Mr. PAPIROFSKY. I must decline to answer that on the same grounds.

Mr. ARENS. Were you a Communist when you were teaching at the Actors' Laboratory?

Mr. PAPIROFSKY. I must decline to answer that on the grounds previously stated.

Mr. ARENS. Over what period of time did you teach at this Laboratory?

Mr. PAPIROFSKY. I think it was about 6 months.

Mr. ARENS. Were you a Communist when you were teaching at the People's Drama School of Theater?

Mr. PAPIROFSKY. I must decline to answer that on the same grounds.

Mr. ARENS. Are you a member of a professional trade union?

Mr. PAPIROFSKY. Yes, sir.

Mr. ARENS. Which one?

Mr. PAPIROFSKY. Radio and Television Directors Guild.

Mr. ARENS. How long have you been connected with that organization?

Mr. PAPIROFSKY. Approximately 6 years.

Mr. ARENS. Have you held any post or office in that organization?

Mr. PAPIROFSKY. I have never been an officer of the organization.

Mr. ARENS. During the course of your period of instructing at the California Labor School, the People's Drama School, or the Actors' Laboratory, did you ever recruit anyone into the Communist Party?

Mr. PAPIROFSKY. I must decline to answer that, sir, on the same grounds.

(The witness conferred with his counsel.)

Mr. PAPIROFSKY. If the intent of that question was whether I used my position to get members into the Communist Party, I must say "No" to that.

Mr. ARENS. Did you use your position as a director on behalf of People's Drama?

Mr. PAPIROFSKY. I taught acting at the People's Drama.

Mr. ARENS. I have a thermofaxed reproduction of an article appearing in the Communist Daily Worker entitled, "Theatre Groups, Noted Actors Wire Support to People's Drama."

The wire of support from famous actors signed by half a dozen persons, including Joe Papirofsky, all of the executive committee of Actors' Laboratory Theatre, reads in part:

Outraged at news of brutal hoodlum attack on Actors. Flagrant display of direct censorship.

Kindly look at that article which Mr. Appell is now displaying to you and tell this committee whether or not it refreshes your recollection, whether or not you used your prestige in the entertainment industry in that protest.

(The document was handed to the witness.)

(The witness conferred with his counsel.)

Mr. PAPIROFSKY. I must say my answer is still unchanged, sir. I have always been opposed to censorship and I would send another wire if there were censorship again, lending my support to an attack of this kind, because this was a direct attack on these people, and I felt at the time that it was absolutely wrong and I would do it again.

(Document marked "Papirofsky Exhibit No. 1," and retained in committee files.)

Mr. ARENS. Were you a Communist when you sent that wire?

Mr. PAPIROFSKY. I must decline to answer on the same grounds.

Mr. ARENS. What name did you use when you were in California?

Mr. PAPIROFSKY. Joseph Papirofsky.

Mr. ARENS. When did you begin the use of the name Papp?

Mr. PAPIROFSKY. It was not my doing. It began at CBS. They have a very small type schedule and my name was too long, and they condensed it and they began to call me Papp, and I began to use the name.

Mr. ARENS. You have expressed yourself publicly with reference to the committee before which you are appearing today.

Mr. PAPIROFSKY. Yes; I did express myself publicly, if I remember correctly, and my opinion is exactly the same today as it was then.

Mr. ARENS. Is your opinion—and I am not trying to probe your opinion—still in condemnation of Larry Parks, who broke from the Communist Party and came before the committee and identified a number of Communists? Are you still hostile to that man?

Mr. PAPIROFSKY. Am I hostile to him?

Mr. ARENS. Yes.

(The witness conferred with his counsel.)

Mr. PAPIROFSKY. The feeling I would have about Mr. Parks would be the same feeling I would have about anybody who would gratuitously injure the people who work with him in the way he did.

Mr. ARENS. What if Mr. Parks, instead of having been in the Communist conspiracy, had been in a narcotics ring and came before the appropriate investigating committee and identified persons active in the narcotics ring? Would you be in opposition to him then?

Mr. PAPIROFSKY. I am afraid I cannot go into that question because the one case you mentioned with Mr. Parks, has to do with a man because of the way he functioned, hurt the employment of people, innocent people, by mentioning names, and so forth. Whereas, the narcotic situation is hurting men's bodies and not their thinking.

Mr. ARENS. You acclaimed Mr. Parks publicly at one time and used your prestige and used the glamour of your position to acclaim Mr. Parks when he at first refused to cooperate with the Committee on Un-American Activities.

Mr. PAPIROFSKY. I have no glamour and prestige. I think it is a misnomer to use that.

Mr. ARENS. You let your name be used in acclaim of Larry Parks when he refused to cooperate with the Committee on Un-American Activities; is that correct?

Mr. PAPIROFSKY. Yes; if you have a record of it there, I would have to say I did.

Mr. ARENS. Do you recall doing that?

Mr. PAPIROFSKY. No, sir; I do not.

Mr. ARENS. Let me lay before you a thermofaxed reproduction of an advertisement bearing the names of a number of persons:

THE THOMAS RANKIN COMMITTEE MUST GO!

We, the undersigned members of the acting profession, acclaim Larry Parks one of the "unfriendly nineteen"; We acclaim those actors who appeared in Washington to protest the star chamber proceedings * * * those others who broadcast their indignation on the air and in the press * * * and those who remained to fight here. We are proud that they are upholding the finest traditions of our profession and our country.

This advertisement appeared just before Parks decided he was going to cooperate with the committee and it bears, among others, the name of Joseph Papirofsky.

Kindly look at that and tell us whether or not you have a recollection of joining in that enterprise and letting your name be used.

Mr. PAPIROFSKY. "The Thomas Rankin Committee Must Go"?

Mr. ARENS. Yes; that is correct.

Mr. PAPIROFSKY. That is my name here.

Mr. ARENS. Did you consciously and knowingly lend your name to that enterprise?

Mr. PAPIROFSKY. I think I have stated my position on the question of the committee.

Mr. ARENS. Did you do so in that instance?

Mr. PAPIROFSKY. My name is there so I certainly did.

(Document marked "Papirofsky Exhibit No. 2," and retained in committee files.)

Mr. ARENS. Do you recall doing it?

Mr. PAPIROFSKY. No; I do not recall.

Mr. ARENS. Were you a Communist when you did it?

Mr. PAPIROFSKY. I must refuse to answer on the same grounds as I mentioned before.

Mr. ARENS. Have you knowingly lent your name in the course of your professional career to enterprises which to your certain knowledge were promoted by the Communist Party?

Mr. PAPIROFSKY. I must decline to answer that question, sir, on the same grounds I mentioned previously.

Mr. ARENS. I respectfully suggest that would conclude the staff interrogation of this witness.

Mr. MOULDER. Are there any questions by the committee?

Did counsel ask you your age?

Mr. PAPIROFSKY. I gave my date of birth, Representative Moulder.

I would like to submit this, if you do not mind, sir. This is a magazine published by the State Department and sent to Russia—an example of American democracy at work. The work of this cover is the work of the New York Festival. Inside there is a series of pictures describing our work as descriptive of the free democratic culture. I see no mention of the Un-American Activities Committee, so I must assume what we are doing, the Department feels, is a much more important function.

I also submit the Voice of America tapes that I have made to various countries as an example of free democracy to this country. I feel that what I believe in can be best stated this way.

Mr. SCHERER. When you were making those Voice of America tapes, were you a member of the Communist Party?

Mr. PAPIROFSKY. No, sir, I was not a member of the Communist Party when I was making the Voice of America tapes.

Mr. SCHERER. Did you disclose to the State Department that you had been a member of the Communist Party?

Mr. PAPIROFSKY. I must decline to answer that question on the same constitutional grounds as I mentioned prior. The State Department requested that these pictures be submitted.

Mr. SCHERER. I was talking about the tapes.

Mr. PAPIROFSKY. No, I must decline to answer that question on the grounds previously mentioned.

Mr. MOULDER. The magazine referred to by the witness will be received and filed with the committee in connection with your testimony and the recordings to which you have referred will also be received in connection with your testimony.

Mr. PAPIROFSKY. I hope to have this back. I would like to leave them if I can have them returned at a future date.

Mr. MOULDER. All right, they will be returned to you.

I had forgotten what you said your age to be.

Mr. PAPIROFSKY. I will be 37 this coming Sunday.

Mr. MOULDER. Are you married?

Mr. PAPIROFSKY. Yes, sir, and I have a 3½ month old baby.

Mr. MOULDER. Were you in the Armed Forces?

Mr. PAPIROFSKY. Yes, sir; I was in the Navy. I was in the service for 3 years.

Mr. MOULDER. At any time during your professional career or in connection with the work that you are doing at the present time, do you have the opportunity to inject into your plays or into the acting or the entertainment supervision which you have, any propaganda in any way which would influence others to be sympathetic with the Communist philosophy or the beliefs of communism?

Mr. PAPIROFSKY. Sir, the plays we do are Shakespeare's plays. Shakespeare said, "To thine own self be true," and various other lines from Shakespeare can hardly be said to be subversive or influencing minds. I cannot control the writings of Shakespeare. He wrote plays 500 years ago.

I am in no position in any plays where I work to influence what the final product will be, except artistically and except in terms of my job as a producer.

Mr. MOULDER. My point is, do you intentionally control the operation of the entertainment which you produce or supervise for the purpose of influencing sympathy toward communism? That is my point.

Mr. PAPIROFSKY. The answer to that is obviously "No." The plays speak for themselves. I began to mention the plays that we did. Maybe some of these plays might be considered propagandistic.

Mr. ARENS. We are not concerned with the plays and you know we are not, and there is no suggestion here by this chairman or anyone else that Shakespeare was a Communist. That is ludicrous and absurd. That is the Commie line.

The inquiry of this committee is solely with reference to Communist activities, Communist propaganda, the extent to which Communists, people in the Communist Party, have used their prestige in the theater to promote Communists; and for you to twist this testimony in the presence of the public press here to give an implication that the

chairman is trying to elicit information from you that Shakespeare was subversive or this committee is investigating Shakespeare, investigating that type of thing, is not only ludicrous, but it is highly unfair.

Mr. PAPIROFSKY. I am sorry. I think you misunderstand me.

Mr. ARENS. I did not misunderstand you.

Mr. PAPIROFSKY. I am saying that over the past years I have been devoting all my energies to this project, in which the plays of Shakespeare are most important.

Mr. ARENS. Have you been devoting some of your energy to the Communist Party?

Mr. PAPIROFSKY. I think I have answered all of those questions the way you have put them forward to me.

Mr. MOULDER. I was very much impressed by your straightforward and honest replies to counsel concerning your background and your work. When it comes to the question of whether you have been actively connected with the Communist Party, that is a different matter. I do not intend to interrogate you about your philosophies or beliefs unless you volunteer to submit that information.

Mr. PAPIROFSKY. I voluntarily submitted that information because I think it is important in terms of how I am to be judged by anybody.

Mr. MOULDER. Have you undergone any change in your beliefs, in your philosophies or social beliefs, and the form of government we should have, during the past 2 or 3 years? Have you changed your opinion in that connection?

Mr. PAPIROFSKY. Changed my opinion from what?

Mr. MOULDER. In your philosophy of government or form of government we should have.

Mr. PAPIROFSKY. My opinions change constantly, and they have changed from time to time on many, many subjects.

Mr. MOULDER. You understand, of course, the Communist philosophy is antispiritual, antireligious, and is very much in conflict with our system in the American form of government and the American way of life. Do you agree with that?

Mr. PAPIROFSKY. I am not antispiritual or antireligious in any way.

Mr. MOULDER. You mentioned a while ago that to give names of other people, such as Larry Parks, you considered wrong, when it does injury to other people?

Mr. PAPIROFSKY. Yes.

Mr. MOULDER. If communism is not subversive or a danger to our American form of government and our way of life, then what harm is done by revealing the names of people who are active in the Communist Party and the Communist movement?

Mr. PAPIROFSKY. First, the question assumes I know these people.

Mr. MOULDER. I am not asking you that. I am asking you, as a result of your statement, what harm is done if communism is not subversive and is not a threat to our form of government, and the American way of life, then what harm does it do to reveal the names of people who are active members of the Communist Party, if that is true?

Mr. PAPIROFSKY. I understand the question, Representative Moulder. You know there is a blacklisting device that lists in the industry; and the naming of people this way does deny these people the right to work, which I think is terribly unfair and un-American.

Mr. ARENS. Who denies them the right to work?

Mr. PAPIROFSKY. Because of the kinds of publicity accumulated at these hearings, as was indicated yesterday, one of the people was.

Mr. ARENS. Do you think it is in the public interest for those who are in a conspiracy to be engaged in public media of expression?

Mr. PAPIROFSKY. Do I think people should know about this, did you say?

Mr. ARENS. Do you think it is wrong to disassociate from public media of expression, in this country, people who are secret members of a conspiracy which has as its vowed objective the overthrow of this Government by force and violence?

(The witness conferred with his counsel.)

Mr. PAPIROFSKY. I just think it is wrong to deny anybody employment because of their political beliefs.

Mr. ARENS. Do you think it is wrong to employ them if they are members of a conspiratorial apparatus?

(The witness conferred with his counsel.)

Mr. PAPIROFSKY. This question that you ask assumes that there is a conspiracy and that I know about it, and I must decline to answer it on the same grounds.

(Witness excused.)

Mr. ARENS. Mr. Benjamin Steinberg, come forward please.

Mr. MOULDER. Do you solemnly swear that the testimony you are about to give before this subcommittee of the United States Congress will be the truth, the whole truth, and nothing but the truth, so help you God?

Mr. STEINBERG. I do.

TESTIMONY OF BEN STEINBERG, ACCOMPANIED BY COUNSEL, VICTOR RABINOWITZ

Mr. ARENS. Please identify yourself by name, residence, and occupation.

Mr. STEINBERG. My name is Ben Steinberg. I live at 520 East 90th Street, and I am a professional musician.

Mr. ARENS. Would you kindly spell your name, please?

Mr. STEINBERG. B-e-n S-t-e-i-n-b-e-r-g. I was born Benjamin, as you said, but I always use Ben.

Mr. ARENS. You are appearing today, Mr. Steinberg, in response to a subpoena which was served upon you by the House Committee on Un-American Activities?

Mr. STEINBERG. Yes, sir.

Mr. ARENS. Are you represented by counsel?

Mr. STEINBERG. Yes.

Mr. ARENS. Counsel, kindly identify yourself.

Mr. RABINOWITZ. Victor Rabinowitz, 25 Broad Street, New York.

Mr. ARENS. Where are you employed, Mr. Steinberg?

Mr. STEINBERG. I am employed in Music Man and in many other odd places where I do free-lance work.

Mr. ARENS. In what capacity?

Mr. STEINBERG. I am a musician. I am what is called an outside contractor and I am a violinist and I am assistant conductor.

Mr. ARENS. What do you mean by an outside contractor?

Mr. STEINBERG. I am only hesitating because I am trying to figure out how to make it as short as possible. The hiring methods in our industry are rather varied, as they are in many others.

Mr. ARENS. Generally speaking, what is an outside contractor?

Mr. STEINBERG. An outside contractor is a man who represents the choices of people concerned with the production of a musical show with a theater contractor who is the only person officially empowered to engage musicians in New York City.

Mr. ARENS. Do you participate in any way as an outside contractor in selecting the musicians who are to play in these productions?

Mr. STEINBERG. In some way, yes.

Mr. ARENS. Tell us about that, please, sir.

Mr. STEINBERG. When one starts to put together an orchestra for a show, there are many people involved in the choices of musicians. For instance, there may be a composer who might want a particular musician; a musical director might want certain people; somebody working in the office might have a musician. The theater contractor, of course, will have choices and the theater owners will have choices.

Usually these choices come down to perhaps 99 choices for 24 jobs and then I would get together with the theater contractor, and we would try to iron out a list of 24.

Mr. ARENS. You, then, participate in the selection of the musicians who are to play; is that correct?

Mr. STEINBERG. That is true.

Mr. ARENS. Did you do so in *Music Man*?

Mr. STEINBERG. Yes, sir.

Mr. ARENS. Did you do so in *Golden Apple*?

Mr. STEINBERG. In *Golden Apple* I would say "No." In fact, I believe I was one of the last people engaged for *Golden Apple*.

Mr. ARENS. Were you engaged as a conductor?

Mr. STEINBERG. As assistant conductor.

Mr. ARENS. Did you participate in any other productions in the last few years?

Mr. STEINBERG. Yes, I have conducted quite a number of things. I was musical director for *Sandhog*, which is a musical at the Phoenix Theater. I conducted for Ballet Theater. I conducted odd shows, single things, records, different things like that.

Mr. ARENS. In the production in which you are presently engaged, did you participate in the hiring of June Rotenberg?

(The witness conferred with his counsel.)

Mr. STEINBERG. Yes, I did.

Mr. ARENS. Did you recommend that June Rotenberg be hired?

Mr. STEINBERG. No, I did not have to because she had worked for the same people immediately prior to this and since she is one of the most famous of the bass players in New York, she is more than welcome in any orchestra.

Mr. ARENS. Did you recommend or participate favorably in behalf of Sterling Hunkins in the orchestra?

Mr. STEINBERG. In this case it is not necessary because he is the first cello favorite of the theater contractor and I would have no objection to so fine a cellist as Mr. Hunkins.

Mr. ARENS. Do you know whether or not June Rotenberg is a member of the Communist Party?

Mr. STEINBERG. I would like to read a short statement in answer to this question, please:

The committee's investigation is not in fact being carried on for the purposes set forth in the resolution creating it. It has harmed one of the finest symphony orchestras in the country—an orchestra whose Far Eastern tour for the State Department was so fantastically successful that official citations were received from Far Eastern governments and foreign musical organizations were formed in its honor.

It is now 11 years since the first investigation of cultural artists, and this is the fourth consecutive year in New York City. I consider this an illegal harassment of members of the entertainment industry.

This is beyond the jurisdiction of the committee as it is defined in the House enabling resolution. It is not pertinent to any subject within the committee's jurisdiction.

The resolution creating this committee is unconstitutionally vague and, hence, invalid as the Supreme Court held in the Watkins case, and the question put by the chairman invades those privileges which I consider to be my birthright, the freedom of association, and the freedom of religion.

Since I will not testify as to my own associations and beliefs, I would certainly not testify as to others.

Mr. MOULDER. Those are your reasons for answer?

Mr. STEINBERG. Yes, sir.

Mr. MOULDER. The committee directs and orders the witness to answer the question propounded by counsel.

(The witness conferred with his counsel.)

Mr. ARENS. Now, kindly answer the question.

Mr. STEINBERG. I must decline to answer this question for the same reasons.

Mr. ARENS. Let the record be clear. We want the record to be absolutely clear. We have asked you if you know or do not know if June Rotenberg is a member of the Communist Party. You have declined to answer that question, but you have not thus far invoked those provisions of the fifth amendment which give you the privilege of not giving information against yourself which you think could be used in a criminal proceeding. Do you understand that?

Mr. STEINBERG. I understand it and I do not think anything can be used in criminal proceedings against me. I believe that the fifth amendment—

Mr. ARENS. Do you understand the question? The question is, Do you know whether June Rotenberg is a Communist?

The reason why we want you to answer that question is because it is our information that June Rotenberg is, or in the recent past has been, a member of the Communist Party and she, along with others, has been engaged with you in Communist activities.

We are interested in one thing and that is communism and Communist activities. The reason why we want to know that is because this committee has pending before it legislative proposals, dealing not with musicians as you would make the press believe, but with Communists and Communist activities; and for the purpose of appraising that legislation, it is necessary for this committee to have factual information.

We have, we think, an instance here in which, if you will answer the question, we can develop facts which will be of use to this committee in its legislative functions.

Let the record be absolutely clear. You are not invoking, I take it, the fifth amendment in response to questions as to whether or not, to your certain knowledge, June Rotenberg is a member of the Communist Party. I just want the record to be clear on that issue.

Mr. STEINBERG. I think I said 11 years of investigation of this industry is a little bit too much for legislative use and justification, besides which that, although I believe every word of the fifth amendment is immortal—part of the Constitution of the United States—I believe that its use by citizens has been under attack and I believe that it is my patriotic duty to resist this attack by basing my defense here on the fact that Congress has reserved to the people the right of free association and free speech and it has specifically denied this area to Government.

Mr. ARENS. Mr. Chairman, so the record can be clear, so clear no one can misunderstand it, in view of the fact that there has been an answer intervening here, I request that you again direct the witness to answer the question as to whether or not he knows if June Rotenberg is a member of the Communist Party.

Mr. MOULDER. Yes, the witness is ordered and directed to answer the question.

Mr. STEINBERG. I decline to answer for the same reasons.

Mr. ARENS. Could you tell us whether or not to your certain knowledge Sterling Hunkins is a member of the Communist Party?

Mr. STEINBERG. I decline to answer for the same reasons.

Mr. ARENS. Do those reasons encompass the provisions of the fifth amendment against self-incrimination?

Mr. STEINBERG. Do you mean for me?

Mr. ARENS. Yes, sir.

Mr. STEINBERG. They do not.

Mr. ARENS. In other words, you are not invoking the provisions of the fifth amendment which give you the privilege of not giving information that could be used against you in criminal proceedings?

Mr. STEINBERG. That is right.

Mr. ARENS. I respectfully request the witness be ordered and directed to answer this last outstanding question. I am willing to repeat the recitation I gave before with respect to June Rotenberg, which is also applicable to Sterling Hunkins.

I respectfully request that the witness be ordered and directed to answer this question.

Mr. MOULDER. The witness is ordered and directed to answer the question.

Mr. STEINBERG. I refuse to answer that. That invades my privacy of association and free speech.

Mr. ARENS. Are you now a member of the Communist Party?

Mr. STEINBERG. I refuse to answer this question on the same grounds.

Mr. MOULDER. In other words, you are refusing to answer for all of the reasons you have previously stated throughout your testimony for refusing to answer?

Mr. STEINBERG. Thank you, Mr. Chairman; that is right.

Mr. ARENS. What has been your past employment over the course of, say, the last 3 or 4 years? You have told us about your connection with Music Man and Golden Apple and 1 or 2 others. Can you give us a few of the highlights of the principal employment you have had?

Mr. STEINBERG. I think that is principally it, as far as jobs of any length of time are concerned. I may play a single record date here or there or conduct a day here or there.

Mr. ARENS. Were you the conductor for a ballet presented in Los Angeles by a Greek theater association?

Mr. STEINBERG. Yes; I was.

Mr. ARENS. When was that?

Mr. STEINBERG. Last August, the beginning of the month.

Mr. ARENS. Did you have anything to do in that instance with the employment of people?

Mr. STEINBERG. No. Since this is an orchestra engaged there, I do not know the musicians available and who are working and who are not. They have someone there who does that.

Mr. ARENS. Do you belong to a musician's union?

Mr. STEINBERG. Yes, sir.

Mr. ARENS. What is that?

Mr. STEINBERG. It is a fine union, Local 802.

Mr. ARENS. Have you ever held any office or post in the union?

Mr. STEINBERG. No, sir.

Mr. ARENS. Did you make a trip for the Symphony of the Air under the auspices of the State Department?

Mr. STEINBERG. I did not. This was an instance in which I should have been asked since I was a regular member of the NBC under Toscanini. However, I was not invited, so I did not go.

Mr. ARENS. Did you take any of the trips?

Mr. STEINBERG. No. I want to say in alluding to the orchestra that was hurt, in my statement, I meant the Symphony of the Air, sir.

Mr. ARENS. Were you connected, or have you been connected, with the Metropolitan Music School, Inc.?

Mr. STEINBERG. Well, actually, no. There is this slight relationship with the Metropolitan Music School. I had been asked to give this school a scholarship and I at first refused because I just do not like to teach.

However, since some of the teachers are of very fine standing and they said the school needed help, I did agree to give a scholarship for this school. However, this scholarship was never taken advantage of.

I never gave a lesson for the school either at the school or any place else. My actual association with the school was, therefore, nil. However, I must object to the kind of thing being said about this music school. I did not see a conspiracy in this school.

Mr. ARENS. Do you know any Communists in the school?

Mr. STEINBERG. I decline to answer that for the other reasons.

Mr. ARENS. When you say there is no conspiracy in the school, you know, do you not, that this committee conducted such an investigation?

Mr. STEINBERG. Yes, and your informer said politics was never mixed with music.

Mr. ARENS. Most of the key people were identified under oath as members of the Communist conspiracy, Communist Party. When given the opportunity to deny the identification, they all invoked the privileges of the fifth amendment. Do you know that?

Mr. STEINBERG. Yes, but I also know I read in the Herald Tribune that one person who cooperated with the committee said that politics was never mixed with music at the school, so to me it is simply a music school to teach music to children.

Mr. ARENS. Did you support the V. J. Jerome Defense Committee? Did you lend your name to that enterprise?

Mr. STEINBERG. Mr. Chairman, this particular trial was, I felt, one of the most important in the last decade or more since this was the first time, I believe, people were being prosecuted for belief rather than deed.

I was asked to help raise funds for Mr. Jerome's defense. I felt since this trial was important, I felt Mr. Jerome deserved, like any other defendant, a right to a fair trial, the right to legal counsel, the right to raise moneys to pay his legal counsel, and all of the other expensive procedures of a court trial.

Although I offered and I did try very hard to get musicians to appear at a rally at which they would raise money for Mr. Jerome's defense, I was much saddened by the fact that many, many fine musicians who agreed that, although they did not agree with Mr. Jerome's political views, nevertheless, they still felt he had a right to competent defense, but were afraid to play at this rally because they were afraid they would lose their jobs.

I think this is one of the basic wrongs that 20 years of investigations of this kind has done, and that is, I believe, someone does have the right to defend an unpopular defendant in America.

That is the kind of America that I grew up in and the kind I want back.

Mr. ARENS. Who was Mr. Jerome?

Mr. STEINBERG. I believe he was one of the first 11 people to be indicted under the Smith Act.

Mr. ARENS. As a what?

Mr. STEINBERG. I suppose he was an official of the Communist Party.

Mr. ARENS. Were you a Communist when you undertook to elicit financial support for Mr. Jerome?

Mr. STEINBERG. I did not quite finish. As I said, I was saddened by the fact that musicians who agreed with the principle, would not perform. Since I was unsuccessful in getting people to play at this particular rally, my association with the committee ended at that point.

Mr. ARENS. Were you a Communist when you were soliciting funds for Jerome?

Mr. STEINBERG. Mr. Chairman, I must decline to answer that on the same grounds as before.

Mr. MOULDER. Without repeating the causes, you are now asserting and claiming all of the reasons which you have heretofore stated throughout your testimony as a reason for not answering?

Mr. STEINBERG. Yes, sir.

Mr. ARENS. Who solicited you to solicit funds for Jerome?

(The witness conferred with his counsel.)

Mr. STEINBERG. Mr. Chairman, the idea of naming someone for this committee is repugnant to me. It is just an assault to me on my own personal dignity. I could not possibly turn informer and I decline to answer on all of the previous grounds I suggested.

Mr. ARENS. I respectfully suggest, Mr. Chairman, that the witness be ordered and directed to answer the question.

Mr. MOULDER. The witness is ordered and directed to answer the question.

Mr. ARENS. It is clear you are not invoking the fifth amendment?

Mr. STEINBERG. It is very clear.

Mr. ARENS. Have you been a participant in the Young Communist League?

(The witness conferred with his counsel.)

Mr. STEINBERG. I must decline to answer that on the same grounds, Mr. Chairman.

Mr. MOULDER. It is understood whenever you say on the same grounds that means all of the previous reasons stated by you in the course of your testimony.

Mr. ARENS. Has the Communist Party ever given you recommendations of persons to hire or persons not to hire?

(The witness conferred with his counsel.)

Mr. STEINBERG. I decline to answer on the same grounds.

Mr. ARENS. I want this record to be clear on one question I believe we covered before, but which I want to repeat so that the record is clear.

Sir, are you now a member of the Communist Party?

Mr. STEINBERG. I have stated my answers and I am sure the committee does not want me to repeat them. I have stated my reasons for not answering, and I am sure the committee does not want me to repeat them. I feel my privileges of free speech are inviolate—

Mr. ARENS. Are you invoking those provisions of the fifth amendment to the question: Are you now a member of the Communist Party?

Mr. STEINBERG. I do not.

Mr. ARENS. Do you refuse to answer the question?

Mr. STEINBERG. I do.

Mr. ARENS. I respectfully request the witness be directed and ordered to answer the question, and if he wants me to, I will again explain the legislative purpose and the like.

Mr. MOULDER. The witness is ordered and directed to answer the question.

Mr. STEINBERG. I understand. My answer remains the same.

Mr. MOULDER. You are not requesting counsel for additional information?

Mr. STEINBERG. No, I want a smoke.

Mr. MOULDER. You say you are not asserting any of the provisions under the first and fifth amendments of the Constitution?

Mr. STEINBERG. Yes, my free association and my free speech. I felt that my privileges of free association and free speech under the first amendment were being violated.

Mr. MOULDER. They were clearly stated by you in your response for refusing to answer, is that correct, but you are not claiming under the fifth amendment?

Mr. STEINBERG. That is right.

Mr. ARENS. I suggest that would conclude the staff interrogation.

Mr. MOULDER. The committee will stand in recess for 5 minutes.

(Brief recess.)

Mr. MOULDER. The committee will be in order.

Mr. ARENS. Will Paul Villard kindly come forward?

Mr. MOULDER. Do you solemnly swear that the testimony which you are about to give before this committee will be the truth, the whole truth, and nothing but the truth, so help you God?

Mr. VILLARD. I do.

**TESTIMONY OF PAUL VILLARD, ACCOMPANIED BY COUNSEL,
VICTOR RABINOWITZ**

Mr. ARENS. Kindly identify yourself by name, residence, and occupation.

Mr. VILLARD. Paul Villard, 245 W. 104th, New York, musician and singer.

Mr. ARENS. You are appearing in response to a subpoena which was served upon you by the House Committee on Un-American Activities?

Mr. VILLARD. I am.

Mr. ARENS. You are represented by counsel?

Mr. VILLARD. Yes, sir.

Mr. ARENS. Counsel, kindly identify yourself.

Mr. RABINOWITZ. Victor Rabinowitz, 25 Broad Street, New York City.

Mr. ARENS. Are you employed, Mr. Villard?

Mr. VILLARD. I am unemployed at the present time.

Mr. ARENS. Where were you last employed?

(The witness conferred with his counsel.)

Mr. VILLARD. I do free-lance work and have not had regular employment.

Mr. ARENS. What type of free-lance work?

Mr. VILLARD. Musician and singer.

Mr. ARENS. When were you last employed?

(The witness conferred with his counsel.)

Mr. VILLARD. I decline to answer that question on the ground of the fifth amendment.

Mr. ARENS. Do you likewise decline to answer where you were last employed?

Mr. VILLARD. Yes.

Mr. ARENS. I am trying to abbreviate an interrogation that could last extensively.

Have you permitted your name and talents to be used for Communist causes and Communist enterprises?

Mr. VILLARD. This question inquires into my private beliefs and political association and, therefore, I decline to answer on the basis of the first amendment. I further decline, claiming the honorable privilege of the fifth amendment.

Mr. ARENS. Have you signed a nominating petition for the Communist Party in New York?

Mr. VILLARD. I decline to answer on the previous grounds.

Mr. ARENS. Mr. Villard, are you now a member of the Communist Party?

Mr. VILLARD. I decline to answer on the previous grounds.

Mr. ARENS. I respectfully suggest that will conclude the interrogation of this witness.

Mr. MOULDER. The witness is excused.

(The witness was excused.)

Mr. ARENS. Mr. Richard Sasuly.

Mr. MOULDER. Do you solemnly swear that the testimony which you are about to give to this subcommittee will be the truth, the whole truth, and nothing but the truth, so help you God?

Mr. SASULY. I do.

TESTIMONY OF RICHARD SASULY, ACCOMPANIED BY COUNSEL, VICTOR RABINOWITZ

Mr. ARENS. Kindly identify yourself by name, residence, and occupation.

Mr. SASULY. My name is Richard Sasuly. I live at 232 East 36th Street, New York City. I am a writer.

Mr. ARENS. For purposes of identification, have you been known under any other name?

Mr. SASULY. Some year and a half ago, Counsel, when you asked me that question in executive session, I refused to answer it. I have. I do not think it has become more germane in the time gone by.

Mr. ARENS. Why do you refuse to answer?

Mr. SASULY. I think it is of no possible concern to you, it is of no public concern, and I decline to answer on the basis of the first and fifth amendments.

Mr. ARENS. Have you been known by the name of Alex Furth?

Mr. SASULY. I decline to answer on the same grounds.

Mr. ARENS. What was the name under which you were born?

Mr. SASULY. The name I gave to you.

Mr. ARENS. You are appearing today in response to a subpoena which was served on you by the House Committee on Un-American Activities?

Mr. SASULY. That is correct.

Mr. ARENS. And you are represented by counsel?

Mr. SASULY. I am.

Mr. ARENS. Counsel, kindly identify yourself.

Mr. RABINOWITZ. Victor Rabinowitz, 25 Broad Street.

Mr. ARENS. Where are you employed?

Mr. SASULY. That is a question you asked a year and a half ago. I can hardly believe that you have forgotten. It is a private matter. I refused to answer on the ground stated.

Mr. MOULDER. So the record might be clear, when you say you decline to answer on the same ground for the reasons previously stated, do you intend to invoke your privilege under the first and fifth amendments every time you make that statement?

Mr. SASULY. I do. Thank you, Mr. Chairman, for bringing it up.

Mr. ARENS. Where were you born?

Mr. SASULY. Washington, D. C.

Mr. ARENS. When?

Mr. SASULY. December 14, 1913.

Mr. ARENS. A word about your education.

Mr. SASULY. The public schools in Washington, the University of Arizona.

Mr. ARENS. When did you complete your formal education?

Mr. SASULY. I went to the University of Arizona until 1935 and I did a year at Columbia University after that.

Mr. ARENS. Did you receive an M. A. at Columbia?

Mr. SASULY. Yes, sir.

Mr. ARENS. What year?

Mr. SASULY. 1936.

Mr. ARENS. Give us the principal employments you have had since you reached adulthood.

Mr. SASULY. I will add to what I said before, Mr. Counsel, that none of my activities have been criminal or have been in any criminal area at any time under any circumstances. Other than that, I refuse to answer on the same grounds as I stated.

Mr. SCHERER. How can you invoke the fifth amendment? You say none of your activities has involved anything of a criminal nature. How can you possibly say you refuse to answer on the ground that it might incriminate you?

I ask you to direct the witness to answer the question, Mr. Chairman, in view of his statement.

Mr. MOULDER. The witness is so ordered and directed to answer the question.

Mr. SASULY. It seems to me, sir, that there is a distinct possibility that answers here may be used for the basis of some unjustified prosecution, and for that reason I stand on the ground I stated before.

Mr. SCHERER. That is not the law.

Mr. ARENS. Have you been employed by the Federal Government?

Mr. SASULY. I refuse to answer on the grounds previously stated.

Mr. ARENS. Do you know Nathan Gregory Silvermaster?

Mr. SASULY. I refuse to answer on the same grounds.

Mr. ARENS. He was your boss at one time in the Federal Government.

Mr. SASULY. I refuse to answer that question on the same grounds.

Mr. ARENS. Can you help this committee with respect to any espionage activities engaged in by Nathan Gregory Silvermaster?

Mr. SASULY. I made a blanket statement, sir, as to myself and my activities covering a lifetime. I am 44 years old. I am making no further statement as to any other individual.

Mr. ARENS. Do you know whether or not Nathan Gregory Silvermaster has engaged in espionage?

Mr. SASULY. I would doubt it extremely, but I certainly do not know.

Mr. ARENS. Have you ever applied for a United States passport?

Mr. SASULY. I refuse to answer the question on the grounds stated before.

Mr. ARENS. Do you honestly apprehend if you told this committee while you are under oath whether you applied for a United States passport you might be supplying information which might be used against you in a criminal proceeding?

Mr. SASULY. If you are asking me if I can visualize how that would be done, I can visualize how such a prosecution could result.

Mr. ARENS. Did you in any passport application make a misrepresentation of fact?

Mr. SASULY. That goes to your previous question, and I decline to answer.

Mr. ARENS. Are you the author of a book entitled, "I. G. Farben"?

Mr. SASULY. I decline to answer on the same grounds stated.

Mr. ARENS. Are you a propagandist now for the Communist Party of the United States under the name of Alex Furth?

Mr. SASULY. I decline to answer on the same ground.

Mr. ARENS. I put it to you as a fact, sir, and ask you to affirm or deny the fact that you are right now a propagandist for the Communist conspiracy under the Communist Party. If it is not true, deny it while you are under oath.

Mr. SASULY. I decline to answer on the same grounds.

Mr. ARENS. Have you ever served in the United States Army?

Mr. SASULY. Yes, I did.

Mr. ARENS. You were in the intelligence service of the United States Army, were you not?

Mr. SASULY. I decline to answer any details of my Army service. If it is really genuinely germane, you can find out from the United States Army.

Mr. SCHERER. I request that you direct the witness to answer the question as to whether or not he served in the intelligence division of the Army.

Mr. MOULDER. The witness is ordered and directed to answer the question.

Mr. SCHERER. How could that possibly incriminate you?

Mr. SASULY. Mr. Chairman, I decline to answer on the same grounds. I decline to answer on the same grounds specified before.

Mr. SCHERER. Do you mean to tell us that answering the question as to whether you served in the intelligence service of the United States Army might tend to incriminate you? How foolish can we get?

Mr. SASULY. I do not believe that is foolish. I decline to answer on the grounds stated before.

Mr. ARENS. Did you engage in any illegal activities while you were in the intelligence service?

Mr. SASULY. Emphatically, no. I have already stated that. I have not engaged in any illegal activities at any time.

Mr. SCHERER. Then, again, I ask that you direct the witness to answer the question whether he was ever in the intelligence service of the United States Army. If he says he engaged in no illegal activities, how can he possibly invoke the fifth amendment?

Mr. MOULDER. You are directed and ordered then to answer the question by Congressman Scherer.

Mr. SASULY. My answer to the Congressman is the same as before.

Mr. ARENS. Were you Chief of Intelligence and Liaison for the Finance Division of the United States Military Government?

Mr. SASULY. I decline to answer.

Mr. ARENS. Were you a member of the Communist conspiracy while you occupied that position?

Mr. SASULY. I decline to answer on the same ground.

Mr. ARENS. We should like to display to you a few thermofax exhibits. One is from the Daily People's World, August 23, 1948, re-

view by Richard Sasuly of a book which attacks the American Legion.

Kindly look at that article as it is displayed to you and tell the committee while you are under oath whether you are the author of the article.

Mr. SASULY. On the basis of the same reasons which I stated to you before, Mr. Counsel, including the great lapse of time between when you first interrogated me and now, I decline to answer your question invoking the first, fifth, and sixth amendments of the Constitution.

(Document marked "Sasuly Exhibit No. 1" and retained in committee files.)

Mr. ARENS. Have you authored articles attacking congressional committees, not only the Committee on Un-American Activities which, of course, is attacked by all Communists, but other congressional committees?

Mr. SASULY. I decline to answer on the same grounds.

Mr. ARENS. We should like to display to you a thermofax reproduction of an article appearing in the Daily People's World, (March 19, 1948), by Richard Sasuly, attacking various congressional committees, including the Committee on Un-American Activities.

Mr. SASULY. Is there a question with that?

Mr. ARENS. Did you author the article just displayed to you?

Mr. SASULY. I decline to answer on the grounds stated, including the first, fifth, and sixth amendments.

(Document marked "Sasuly Exhibit No. 2," and retained in committee files.)

Mr. SCHERER. Do you know, Witness, when you wrote those articles, whether or not the readers of the articles knew that you were a member of the Communist Party?

Mr. SASULY. I decline to answer that question, Congressman, on the same grounds.

Mr. SCHERER. Did you tell them that you were?

(No response.)

Mr. ARENS. Here is a thermofax copy of an article—New York World Telegram, August 4, 1948—that prompts our interest in connection with espionage and espionage agents to which I should like to direct your attention. It is with reference to a man by the name of Nathan Gregory Silvermaster.

Part of this article reads:

Under the surveillance of FBI agents, she [Elizabeth Bentley] spent an evening with the Silvermasters and two guests, Richard and Elizabeth Sasuly. She [Elizabeth Bentley] reported to the FBI that Mr. Silvermaster was "very cagey"—

and the like.

Do you recall that evening referred to in this article when you were in session with Nathan Gregory Silvermaster and Elizabeth Bentley?

Look at the article and see if it refreshes your recollection and tell this committee whether or not that is a truthful recitation of the facts.

(The witness conferred with his counsel.)

Mr. SASULY. I decline to answer that question on the same grounds already invoked here.

(Document marked "Sasuly Exhibit No. 3," and retained in committee files.)

Mr. SCHERER. I think the record should show who Elizabeth Bentley is.

Mr. ARENS. Elizabeth Bentley is a person who courageously served in the Communist conspiracy at the behest of her Government and testified respecting this group which is so casually passed off to the American people as a political enterprise, but which in truth and fact, so the abundance of testimony says, is part and parcel of the international conspiracy.

Have you been an author of a series of articles in the Daily People's World, and Our World?

Would you kindly answer the question?

Mr. SASULY. I decline to answer on the same grounds.

Mr. ARENS. Have you, over the course of the last 10 years, been one of the principal propaganda agents in the United States for the Communist Party?

Mr. SASULY. I decline to answer that question, Mr. Counsel, on the same grounds stated before.

Mr. ARENS. I put it to you as a fact, sir, that over the course of the last several years you have been one of the principal propaganda agents in the United States for the Communist Party under various pseudonyms. If that is not true, please deny it while you are under oath.

Mr. SASULY. For all of the reasons stated before this is a repetition of the same questions asked me before and I decline to answer.

Mr. ARENS. Mr. Chairman, as I have indicated here in the questioning, we have a great number of exhibits, all of which might well be characterized as I have in a few instances in undertaking to elicit from the witness information as to his activities and participation in Communist propaganda.

I would suggest that the remaining exhibits be retained in the committee files.

In view of the fact that we have a number of other witnesses to be heard, I respectfully suggest we conclude the interrogation of this witness at this time.

Mr. MOULDER. Are there any questions, Governor Tuck?

Mr. TUCK. No, sir.

Mr. MOULDER. Mr. Scherer?

Mr. SCHERER. Witness, have you ever received any compensation directly or indirectly from the Communist Party?

Mr. SASULY. I decline to answer that, Congressman, on the same grounds previously stated.

Mr. SCHERER. Have you ever received any compensation directly or indirectly from the Soviet Union?

Mr. SASULY. Congressman, I have told you several times in the course of this interrogation I have participated in no criminal activity of any kind whatsoever. Other than that, I am not going to answer questions as to the work I have done or why I have done it or under what circumstances. Therefore, I refuse to answer that question on the same grounds.

Mr. SCHERER. Let us ask specifically without any reference to any possible criminal activities, have you received any compensation, either directly or indirectly, from the Communist Party or from the Soviet Union for any of your writings?

Mr. SASULY. For the reasons just stated, I refuse to answer that question.

Mr. SCHERER. I have no further questions.

Mr. MOULDER. The witness is excused.

(The witness was excused.)

Mr. ARENS. Mr. Clifford Carpenter, kindly come forward.

Mr. MOULDER. Do you solemnly swear that the testimony that you are about to give before this subcommittee of the United States Congress will be the truth, the whole truth and nothing but the truth, so help you God?

Mr. CARPENTER. I do.

TESTIMONY OF CLIFFORD CARPENTER

Mr. ARENS. Kindly identify yourself by name, residence, and occupation.

Mr. CARPENTER. My name is Clifford Carpenter. I live in New York City and I am an actor.

Mr. ARENS. You are appearing before this committee today in response to a subpoena served upon you by the Committee on Un-American Activities?

Mr. CARPENTER. Yes, sir.

Mr. ARENS. You are not represented by counsel?

Mr. CARPENTER. That is correct.

Mr. ARENS. Under the rules of this committee, you have the privilege of counsel.

Mr. CARPENTER. I know that.

Mr. ARENS. Where are you employed?

Mr. CARPENTER. I am an actor and I am in a play called Sunrise at Campobello.

Mr. ARENS. That is a play here?

Mr. CARPENTER. Yes, in New York City.

Mr. ARENS. How long have you been so engaged?

Mr. CARPENTER. Since the play opened.

Mr. ARENS. When was that?

Mr. CARPENTER. It opened the latter part of January in New York.

Mr. ARENS. What have been the principal employments you have had in the past few years?

Mr. CARPENTER. I have been an actor in the theater, and in the last few years I worked practically not at all in radio and television. I used to do a lot in radio and television.

Mr. ARENS. Have you been working in the legitimate theater?

Mr. CARPENTER. Yes, sir.

Mr. ARENS. Can you give us a word or two about the places of your employment?

Mr. CARPENTER. I was in the play, Inherit the Wind.

Mr. ARENS. Was that produced by Herman Shumlin?

Mr. CARPENTER. Yes. I was in Caesar and Cleopatra, by George Bernard Shaw; Eve of Saint Mark, by Maxwell Anderson.

Mr. ARENS. Does that cover the principal employments which you have had?

Mr. CARPENTER. I have been an actor for many, many years and I have been in many, many plays.

Mr. ARENS. Do you know a man by the name of Berthold Brecht?

Mr. CARPENTER. I don't know him, but I know who he is.

Mr. ARENS. Who is he?

Mr. CARPENTER. He is a dramatist, author, and playwright.

Mr. ARENS. Where is he now?

Mr. CARPENTER. I think he is dead.

Mr. ARENS. Did he go behind the Iron Curtain?

Mr. CARPENTER. You know, any answers that I can give you, sir, are purely what I have read in the newspapers or elsewhere. I don't have any personal knowledge of him.

Mr. ARENS. Have you ever been in acquaintance with him personally?

Mr. CARPENTER. No, sir.

Mr. ARENS. Are you, sir, a member of the Communist Party?

Mr. CARPENTER. No.

Mr. ARENS. Have you ever been a member of the Communist Party?

Mr. CARPENTER. I decline to answer, sir, and cite my rights and privileges under the first and fifth amendments to the Constitution.

Mr. ARENS. Have you been a member of the Communist Party since you received your subpoena?

Mr. CARPENTER. No, sir.

Mr. ARENS. Have you been a member of the Communist Party any time in the course of the last 5 years?

Mr. CARPENTER. I decline to answer on the grounds of the first and fifth.

Mr. ARENS. Have you been a member of the Communist Party any time in the course of the last 3 years?

Mr. CARPENTER. No, sir.

Mr. ARENS. In the course of the last 4 years?

Mr. CARPENTER. No, sir.

Mr. ARENS. Are you presently under discipline in the Communist Party?

Mr. CARPENTER. No, sir.

Mr. ARENS. Have you resigned from the Communist Party?

Mr. CARPENTER. That question implies, sir, that I was a member of the Communist Party which, I think, is an assumption.

Mr. ARENS. Do you deny that you have been a member of the Communist Party?

Mr. CARPENTER. I say that I am not now a member of the Communist Party.

Mr. ARENS. Do you deny that you have been a member of the Communist Party?

Mr. CARPENTER. Mr. Arens, you just asked me if a certain number of years ago I was.

Mr. ARENS. I put it to you as a fact, and ask you to affirm or deny the fact, that you have been a member of the Communist Party.

Mr. CARPENTER. I decline on the previous grounds.

Mr. ARENS. I respectfully suggest we conclude the staff interrogation of this witness.

Mr. MOULDER. You are excused as a witness. You may claim your attendance fee to which you are entitled as a witness, from Mr. Appell.

Mr. ARENS. Mr. Leon Portnoy, kindly come forward, please.

Mr. MOULDER. Hold up your right hand and be sworn, please.

Do you solemnly swear that the testimony which you are about to give before this subcommittee of the United States Congress will be the truth, the whole truth, and nothing but the truth, so help you God?

Mr. PORTNOY. I do.

**TESTIMONY OF LEON PORTNOY, ACCOMPANIED BY COUNSEL,
LEONARD BOUDIN**

Mr. ARENS. Kindly identify yourself by name, residence, and occupation.

Mr. PORTNOY. My name is Leon Portnoy. My address is 2511 Avenue I, Brooklyn, N. Y. I am a music teacher.

Mr. ARENS. Where are you employed?

Mr. PORTNOY. I am self-employed.

Mr. ARENS. Is that the Parkway Music School Institute?

Mr. PORTNOY. No; that is my home address.

Mr. ARENS. Do you own and operate the Parkway Music School Institute?

Mr. PORTNOY. At the executive hearing you asked me that question, and I declined to answer it. My reasons are the same at the present time.

Mr. ARENS. I do not have your counsel's appearance here.

You are appearing in response to subpoena served upon you by the Committee on Un-American Activities?

Mr. PORTNOY. That is right.

Mr. ARENS. You are represented by counsel?

Mr. PORTNOY. That is right.

Mr. ARENS. Counsel, kindly identify yourself.

Mr. BOUDIN. Leonard Boudin, New York City. That is sufficient identification for you, Mr. Counsel?

Mr. ARENS. I believe it is.

Kindly tell us if you have been known by any name other than Portnoy.

Mr. PORTNOY. I must decline to answer that question for reasons I gave you at executive session.

Mr. ARENS. What were those reasons, please?

Mr. PORTNOY. Well, this committee, in my opinion, lacks the jurisdiction to ask such a question. It is not pertinent to your work. Also, under the privileges and rights granted to me by the Constitution under the first and fifth amendments.

Mr. ARENS. Do you honestly apprehend if you told this committee truthfully any other names under which you might have been known, you would be supplying information that could be used against you in a criminal proceeding?

Mr. PORTNOY. I refuse to answer.

Mr. ARENS. I respectfully request that the witness be ordered and directed to answer the question.

Mr. PORTNOY. I decline to answer for the same reasons.

Mr. ARENS. We would like to display to you an advertisement under music schools, New York Teacher News, Parkway Institute and the like, with Leon N. Portnoy, director.

Kindly look at the advertisement and tell this committee while you are under oath if that is a correct identification of yourself as director of that institute.

Mr. PORTNOY. New York Teacher News?

Mr. ARENS. Yes.

Mr. PORTNOY. I decline to answer that question, sir, for the same reasons already given.

(Document marked "Portnoy Exhibit No. 1" and retained in committee files.)

Mr. ARENS. Have you ever served in the Armed Forces?

Mr. PORTNOY. No, sir.

Mr. ARENS. Have you ever lived in Chicago?

Mr. PORTNOY. No, sir.

Mr. ARENS. Do you suppose we have the wrong name here? We have the name of Leon Portnoy, Chicago, Army Air Force, as one who was petitioning against the indictment of the 12 Communist leaders.

Mr. PORTNOY. I gather your investigator erred on that.

Mr. ARENS. Look at this exhibit and tell us whether or not you are the Leon Portnoy who signed that open letter on behalf of the 12 Communists.

(The document was handed to the witness.)

(The witness conferred with his counsel.)

Mr. PORTNOY. This is bad work on the part of whoever did it.

Mr. ARENS. We certainly apologize.

Mr. SCHERER. I am not so sure. May I see it?

Were you ever in the Army Air Force?

Mr. PORTNOY. No, sir.

Mr. SCHERER. You were not in the service?

Mr. PORTNOY. No.

Mr. ARENS. Did you ever live at 2511 Avenue I?

Mr. PORTNOY. I gave you that as my present address.

Mr. ARENS. We have here a nominating petition on which appears the name Leon Portnoy, 2511 Avenue I.

Kindly look at a reproduction of that petition and tell us whether that truly and correctly represents your signature.

(The witness conferred with his counsel.)

Mr. PORTNOY. Yes, this is my signature, and I signed it. This is a petition for the American Labor Party, sir, which you failed to mention for the press.

(Document marked "Portnoy Exhibit No. 2" and retained in committee files.)

Mr. ARENS. Are you now a member of the Communist Party?

Mr. PORTNOY. I decline to answer that, sir, for the same reasons.

Mr. ARENS. I respectfully suggest that will conclude the staff interrogation of this witness.

Mr. MOULDER. The witness is excused. We will recess until 1:30 p. m.

(Whereupon, at 12:30 p. m., the hearing was recessed, to reconvene at 1:30 p. m. the same day.)

AFTERNOON SESSION, THURSDAY, JUNE 19, 1958

Mr. MOULDER. The committee will be in order.

Call your next witness, please.

Mr. ARENS. Mr. Horace Grenell.

Mr. MOULDER. Do you solemnly swear that the testimony you are about to give before this subcommittee of the United States Congress will be the truth, the whole truth, and nothing but the truth, so help you God?

Mr. GRENELL. I do.

TESTIMONY OF HORACE GRENELL, ACCOMPANIED BY COUNSEL,
LEONARD BOUDIN

Mr. ARENS. Kindly identify yourself by name, residence, and occupation.

Mr. GRENELL. My name is Horace Grenell. I live at 562 Irving Terrace, South Orange, N. J.

As to occupation, I must decline to answer for the following reason: Firstly, because of the lack of jurisdiction——

Mr. MOULDER. Is there any question pending?

Mr. ARENS. Yes, his occupation.

Mr. GRENELL. Lack of jurisdiction of the committee and the vagueness of its enabling resolution under the Watkins decision of the United States Supreme Court.

Secondly, the question is not pertinent to any matter lawfully within the committee's jurisdiction. Then, by reason of my rights under the first amendment to the Constitution of the United States and by reason of my constitutional privilege under the fifth amendment to the Constitution of the United States, which has been affirmed by the Supreme Court of the United States; and, lastly, because—and I feel strongly about this—there can be no legislative purpose served since I have already testified before this committee in executive session.

Mr. ARENS. You are appearing today in response to a subpoena which was served upon you by the House Committee on Un-American Activities?

Mr. GRENELL. Yes.

Mr. ARENS. And you are represented by counsel?

Mr. GRENELL. I have not quite finished with all of my reservations about the committee.

Mr. ARENS. You are represented by counsel?

Mr. GRENELL. Yes, sir.

Mr. ARENS. Will counsel kindly identify himself for the record?

Mr. BOUDIN. Leonard Boudin, New York City.

Mr. ARENS. Mr. Grenell, are you the president of Young People's Records?

Mr. GRENELL. I must decline to answer for all the reasons previously stated.

Mr. ARENS. I put it to you as a fact, and ask you to affirm or deny the fact, that you are president of Young People's Records. Would you kindly either affirm or deny that?

Mr. GRENELL. I decline to answer for the same reasons. May I have a moment?

(The witness conferred with his counsel.)

Mr. ARENS. We would like to display to you a certificate of incorporation of the Abbey Record Manufacturing Co., Inc., in New Jersey in which are listed the directors and principal officers of this corporation.

I should like to ask you as we display it to you, whether or not you are one of the principal operators of the Abbey Record Manufacturing Co. in New Jersey.

(A document was handed to the witness.)

(The witness conferred with his counsel.)

Mr. GRENELL. I must decline to answer that on the same grounds.

(Document marked "Grenell Exhibit No. 1" and retained in committee files.)

Mr. ARENS. Mr. Boris Morros, who has been a counterspy for the United States Government, serving this country, has given us information to the effect that some of the fronts for Communist machinations and operations in the United States have been certain record companies, including one that he knew about specifically.

Tell us, if you please, sir, whether or not the Abbey Record Manufacturing Co. and its operation is a front for the Communist Party.

(The witness conferred with his counsel.)

Mr. GRENELL. I must decline to answer on the same grounds.

Mr. ARENS. Does the Abbey Record Manufacturing Co. have any agents located outside the United States?

Mr. GRENELL. I must decline to answer for the previously stated grounds.

Mr. ARENS. We should like to display to you another exhibit, an article appearing in reference to Young People's Records, in which you are identified here as Horace Grenell, president of Young People's Records and who, according to the article, "will lead a workshop course in Creating Music" offered under the auspices of the Jefferson School of Social Science.

Kindly look at this article and tell us whether you are correctly and truly characterized there as president of that organization?

(The witness conferred with his counsel.)

Mr. GRENELL. I must decline to answer for the same grounds.

(Document marked "Grenell Exhibit No. 2" and retained in committee files.)

Mr. ARENS. Have you been director of the Jefferson Chorus?

Mr. GRENELL. I decline to answer on the same grounds.

Mr. ARENS. Have you taught in the Jefferson School of Social Science?

Mr. GRENELL. I decline to answer on the same grounds.

Mr. MOULDER. In order that the record may properly reflect your reasons for declining to answer, do I understand when you say you decline to answer on the same grounds that you are invoking the privileges provided for under the first and fifth amendments?

Mr. GRENELL. I have answered and declined to answer on those grounds, plus the other 3 grounds which I also enumerated at the beginning—all 5 grounds.

Mr. MOULDER. When you say on the same grounds, you are invoking all of those privileges under the Constitution, as well as the other reasons stated?

Mr. GRENELL. That is right.

Mr. ARENS. Have you petitioned the Federal Communications Commission in Washington for an FM broadcasting license on behalf of the Peoples Radio Foundation, Inc.?

(The witness conferred with his counsel.)

Mr. GRENELL. I must decline to answer on the same ground as previously stated.

Mr. ARENS. I display to you, sir, a reproduction of a letter which was signed by yourself, addressed to the Federal Communications Commission petitioning for an FM license for the Peoples Radio Foundation, Inc.

Kindly examine that and tell the committee whether or not you affixed your signature to that document or to a document of which that is a reproduction.

(The witness conferred with his counsel.)

Mr. ARENS. We do have an original with us. The Thermofax, unfortunately, does not reproduce some types of ink. I wonder if that would refresh your recollection. Would you kindly tell us if it does?

Mr. GRENELL. I must decline to answer on previously stated grounds.

(Document marked "Grenell Exhibit No. 3" and retained in committee files.)

Mr. ARENS. Have you been a member of the board of directors of People's Songs?

Mr. GRENELL. I must decline to answer.

Mr. ARENS. In the course of the last several years, have you lent your name and your prestige as a person in the entertainment field and as a musician and as an instructor in music, to Communist causes and enterprises?

Mr. BOUDIN. Could we have the question repeated?

(The pending question was read by the reporter.)

Mr. GRENELL. I must decline to answer on all the grounds previously stated.

Mr. ARENS. Are you now, this minute, a member of the Communist Party?

Mr. GRENELL. I must decline to answer on the grounds previously stated.

Mr. ARENS. I respectfully suggest, Mr. Chairman, that will conclude the staff interrogation of this witness.

Mr. SCHERER. Where do you live now, Mr. Grenell?

Mr. GRENELL. As I previously stated, sir, I live in South Orange, N. J.

Mr. SCHERER. What is the address?

Mr. GRENELL. 562 Irving Terrace.

Mr. SCHERER. Is that the same address given by the Horace Grenell who is one of the incorporators in this Abbey Record Manufacturing Co.?

How long have you known Norman B. Jacobowitz?

Mr. GRENELL. I must decline to answer, sir, for the reasons previously stated.

Mr. SCHERER. Do you know him to be a member of the party? Is that the reason you are refusing to answer?

Mr. GRENELL. I am sorry to say, but I must decline as before.

Mr. SCHERER. What about David Foxman?

Mr. GRENELL. I also decline to answer, sir.

Mr. SCHERER. Ben Goldman, do you know him?

Mr. GRENELL. For similar reasons, I must decline to answer.

Mr. SCHERER. Charles T. Baum, Jr.?

Mr. GRENELL. I must decline to answer on the same grounds.

Mr. SCHERER. Do you know James A. Prato?

Mr. GRENELL. I must decline to answer on the same grounds.

Mr. SCHERER. And Murray J. Watter?

(The witness conferred with his counsel.)

Mr. GRENELL. I must decline to answer for the same grounds.

Mr. SCHERER. I have no further questions.

Mr. MOULDER. I have this question: I did not understand what your present employment was or did you decline to answer that?

Mr. GRENELL. I declined to answer, sir.

Mr. SCHERER. I think you should direct the witness, Mr. Chairman, and I ask that you so direct the witness, to tell us what his present occupation is.

Mr. MOULDER. The witness is directed to answer the question.

(The witness conferred with his counsel.)

Mr. GRENELL. Again, I must decline for the reasons previously stated.

Mr. MOULDER. You do have a financial income; do you not? Do you receive a salary? Are you on a salary?

Mr. GRENELL. I guess for the same five reasons, I must decline to answer the question.

Mr. SCHERER. Do you get any money from the Communist Party now? Do you have any income, directly or indirectly?

Mr. GRENELL. I must decline to answer on the same grounds.

Mr. SCHERER. Are you engaged in any illegal activity at the present time?

(The witness conferred with his counsel.)

Mr. GRENELL. Let me say quite strongly, sir, in answer to that question, and I think I understand why you ask—

Mr. SCHERER. You refuse to answer now because it might incriminate you? I want to know if you are engaged in any illegal activity.

Mr. GRENELL. I want to say very strongly that in no way, in any possible way, am I engaged in any illegal or criminal activity of any kind.

Mr. SCHERER. In view of his answer, then I ask again, Mr. Chairman, that you direct the witness to answer the question as to his present employment. If he is not engaged in any illegal activity, how can he possibly say that to tell us that would incriminate him?

Mr. MOULDER. The witness is directed to answer the question.

(The witness conferred with his counsel.)

Mr. GRENELL. I must decline to answer for the same five reasons previously given.

Mr. MOULDER. The witness is excused.

(The witness was excused.)

Mr. ARENS. Mr. Irwin Silber, kindly come forward, please.

Mr. MOULDER. Do you solemnly swear that the testimony which you are about to give before this subcommittee of the United States Congress will be the truth, the whole truth, and nothing but the truth, so help you God?

Mr. SILBER. I do.

**TESTIMONY OF IRWIN SILBER, ACCOMPANIED BY COUNSEL,
BERNARD JAFFE**

Mr. ARENS. Kindly identify yourself by name, residence, and occupation.

Mr. SILBER. My name is Irwin Silber. I reside at 504 Grand Street, New York City. I am a writer, editor, publicist.

Mr. ARENS. You are appearing today, Mr. Silber, in response to a subpoena which was served upon you by the House Committee on Un-American Activities?

Mr. SILBER. That is true.

Mr. ARENS. You are represented by counsel?

Mr. SILBER. Yes, sir.

Mr. ARENS. Counsel, will you kindly identify yourself for the record?

Mr. JAFFE. Bernard Jaffe, 135 Broadway, New York.

Mr. ARENS. Have you been known by any name other than Irwin Silber?

Mr. SILBER. As I told you, I am a writer and writers frequently use pseudonyms. Occasionally, aside from writing material under a pen name, I have never been known under any other name, sir.

Mr. ARENS. What other names—

Mr. SILBER. Would you explain the relevancy?

Mr. ARENS. It is our information that you are a Communist Party propagandist under a pen name.

Now, kindly tell us what pen names you have used.

(The witness conferred with his counsel.)

Mr. SILBER. I will not deny or confirm that. I would like to know how that applies to the purposes of the committee.

Mr. SCHERER. I think the counsel of this committee has explained to him why we want the information. He is a Communist propagandist using a pen name, and we have a right to know it, and I request you to direct the witness to answer the question.

Mr. MOULDER. The witness is directed to answer the question.

(The witness conferred with his counsel.)

Mr. SILBER. Despite the fact that the question and the reason for the question have been explained to me, I still fail to see any proper legislative purpose being served by the question or by a possible answer to the question.

Mr. ARENS. Would it help you to say that we have legislation pending before the committee to cope with propaganda?

We think you are a Communist propagandist.

Mr. SILBER. Since you phrase the question that way and base the assumption of a pen name on Communist propagandist, I consider that to be invading my privacy.

You are questioning me about associations or articles of any kind that I may have or may not have written for political purposes. You say "Communist propaganda."

Mr. ARENS. The Communists constantly say that. Every Communist propagandist, every time he gets the opportunity, tries to pervert a question relating to communism to one of thought control, one of political activity, trying to bamboozle the American people into believing that the Communist Party is a political party, and you are doing that right now.

I request, Mr. Chairman, that you direct and order the witness to answer the question.

Mr. MOULDER. The witness is so directed to answer the question.

(The witness conferred with his counsel.)

Mr. SCHERER. He has had ample time to answer the question.

Mr. SILBER. I have been directed to answer it, so I would like to explain my reasons for not answering it. They may not be well and sufficient but if you are satisfied with them—

Mr. SCHERER. We are not satisfied. You have had time to answer.

Mr. SILBER. I would like to state that I have not made it clear that I have not stated all of my reasons for refusing to answer this question. I have not invoked all of the reasons for refusing to answer that question.

Mr. ARENS. Go ahead and invoke your reasons.

Mr. SILBER. I refuse to answer the question on a number of grounds:

First of all, I consider that, in an overall sense, the purpose of the committee's hearing, the inquiry, is illegitimate in the sense that an investigation into propaganda, as such, constitutes an investigation into political beliefs and ideas, which is clearly removed from the committee's jurisdiction by the United States Constitution and most specifically by the first amendment to the Bill of Rights, in addition to which, I consider that it is an invasion of my own privacy as a writer, and a writer deals with ideals and specific ideals; and the fact that I may have used different pen names for different purposes clearly can have no bearing on any possible legitimate constitutional legislation which this committee can pass, in addition to which, since the question was phrased in such a way that it related to my possible political beliefs and associations, I consider that the question, therefore, violates my own personal rights under the first amendment to the Constitution, violating my freedom of speech and assembly and, therefore, I cannot answer the question.

Mr. ARENS. You are not invoking the fifth amendment?

Mr. SILBER. No, sir.

Mr. ARENS. Are you now a member of the Communist Party?

Mr. SILBER. I just gave you a rather long recitation of my reason for not answering the last question. I would not like to bore you again. The answer to the question you just asked would be substantially the same answer. To summarize it briefly, your question related to my political activities and associations and you cannot possibly ask me that question. Therefore, I refuse to answer it.

Mr. ARENS. Do you invoke the fifth amendment privileges against self-incrimination in response to the question which is outstanding, namely, are you now a member of the Communist Party?

Mr. SILBER. I have great admiration for the fifth amendment of the Constitution, and I do feel that anyone who invokes the fifth amendment has a shadow cast upon him. However, there is a public recognition, however, that the fifth amendment admits some guilt on the part of the person using the fifth amendment. This is not true in my case, and I do not feel it is necessarily true in the case of people invoking the fifth amendment. However, for that reason, I choose not to invoke the fifth amendment.

Mr. ARENS. We want you to tell us whether or not you are now a member of the Communist Party, because our information is that in the recent past you have been a member of the Communist Party and a propagandist for the Communist Party, writing tremendous amounts of Communist propaganda for Communist publications and non-Communist publications.

This committee has pending before it legislative proposals which undertake to cope with Communist propaganda. Now, we want to know whether you are a Communist in order to elicit information from you as a Communist. The committee can then use your fund of information in appraising new or remedial proposals for legislation.

With that explanation, I respectfully suggest at this time, so the record can be clear, the chairman order and direct you to answer the question.

Mr. MOULDER. The witness is ordered and directed to answer the question.

Mr. SILBER. Since you raise the question of legislation pending, would you mind referring me to the specific legislation that the committee is referring to?

Mr. MOULDER. That is not necessary. The record shows what legislation is pending, and you have been advised and informed by counsel the legislation which is before the committee for consideration by the committee and which will be reported to Congress for its action.

Mr. SILBER. I asked for two reasons, sir.

First, I would really like to know what possible legislation would cover this area.

Mr. ARENS. Legislation is pending before the committee with reference to Communist propaganda, as well as suggestions not yet in actual bill form, which undertakes to require a true labeling of Communist publications.

The Internal Security Act, for example, requires certain Communist publications, after the Communist Party itself is registered or in default of registration, to be labeled as Communist.

The Foreign Agents Registration Act has provisions relating to labeling of Communist publications.

Believe me, sir, we are sincere and in earnest in our endeavor to develop factual information for the purpose of devising legislation to cope with this menace of communism, which the best experts in the United States, undercover agents in the conspiracy, tell us is a greater menace today than ever before.

Mr. SILBER. I do not question your sincerity. I hope you do not get that impression.

Mr. ARENS. Then kindly answer the question.

Mr. SILBER. Once again, for the reasons I have already stated—and I think I have made them clear—and I may say in this connection that I also rest myself on the majority of the Supreme Court this past Monday in the Supreme Court case in which Justice Douglas said, "An inquiry into political beliefs is unconstitutional."

Mr. ARENS. We want to know whether you are now a member of the Communist Party, and if that is political belief and political association, then our major premise is actually wrong.

Mr. SILBER. I disagree with your premise.

Mr. ARENS. Are you now a member of the Communist Party?

Mr. SILBER. I still refuse to answer the question on the grounds I have previously answered.

Mr. ARENS. You understand you have been ordered and directed and you understand you have been given an extensive explanation?

Mr. SILBER. Yes, but it does not satisfy me.

Mr. ARENS. Kindly tell us where you are employed.

Mr. SILBER. I am employed by Avon Publications.

Mr. ARENS. In what capacity?

Mr. SILBER. Publicist, publicity director.

Mr. ARENS. Where is that employment?

Mr. SILBER. 575 Madison Avenue.

Mr. ARENS. How long has that employment endured?

Mr. SILBER. About 4 months.

Mr. ARENS. What was your employment immediately prior to your present employment?

(The witness conferred with his counsel.)

Mr. SILBER. Sir, I hope I do not sound redundant or anything, but could you make clear the purpose of that question?

Mr. ARENS. Yes, sir. It is our information that you are a Communist propagandist. We want to know where you have been employed to ascertain what you have done in this field of Communist propaganda, concerning which this committee has a direct mandate from the Congress to develop information.

Mr. SILBER. Over the past number of years, I have had a good deal of different types of employment. Some of it may fall within the range of this committee and some of it may not, and I hesitate, frankly, to bring in the names of employers who have absolutely no connection with this.

Mr. ARENS. We are not asking you to do that. Have you been connected with the American Folksay Group?

Mr. SILBER. Yes, sir.

Mr. ARENS. In what capacity?

Mr. SILBER. This is many years ago. I was an official of the group. I don't remember the exact title, frankly.

Mr. ARENS. How long ago was it?

Mr. SILBER. At least 10 years.

Mr. ARENS. What post did you have?

Mr. SILBER. As I say, I do not remember the exact title.

Mr. ARENS. Were you the director?

Mr. SILBER. I was one of the principal people in it.

Mr. ARENS. Have you been connected with People's Songs?

Mr. SILBER. Yes, sir.

Mr. ARENS. In what capacity?

Mr. SILBER. I was the executive director of People's Songs.

Mr. ARENS. Over what period of time were you the executive director of People's Songs?

Mr. SILBER. A little less than 2 years.

Mr. ARENS. When?

Mr. SILBER. From 1947 to early 1949.

Mr. SCHERER. Counsel, I think while you are asking about these organizations, you should state for the record whether or not they have been cited.

Mr. ARENS. People's Songs has been cited.

Mr. SILBER. Could you tell me, since the question has been raised, could you tell me the manner in which it was cited? I never had any official information along those lines.

Mr. ARENS. Mr. Appell will have that information for us.

Who were the other officers of People's Songs when you were connected with the organization?

Mr. SILBER. It was 8 years ago, sir, and I was with it for only a year and a half. I assume—you correct me if I am wrong—that the names of the officers appeared in the People's Song. If you have them there and it will refresh my memory, I will identify them.

Mr. ARENS. Was Pete Seeger connected with People's Songs while you were there?

Mr. SILBER. Yes, sir.

Mr. ARENS. In what capacity?

Mr. SILBER. I don't remember his exact title.

Mr. ARENS. Do you remember whether or not he was a member of the Communist Party when he was connected with People's Songs?

Mr. SILBER. I must again return to the position I took earlier on that because I consider, despite what you have said to me, that this constitutes questions in the area of political belief and association and I cannot answer it about myself or anybody else.

Mr. SCHERER. Do we understand that you refuse to answer for the reasons you have given?

Mr. SILBER. Yes, primarily the first amendment to the Constitution. I have also mentioned that I feel that the inquiry is irrelevant and I feel that this particular question is irrelevant because I do not see how any possible mentioning of anybody else's political beliefs can affect pending legislation.

Mr. ARENS. We differ on this "political beliefs." The Congress has found through extensive investigation that the Communist Party has a facade that it works behind. It purports to be a political organization when, in fact, it is a conspiracy.

Were you one of the promoters of the Communist peace petitions which they were circulating here just a few years ago?

Mr. SILBER. I do not know what a Communist peace petition is.

Mr. ARENS. I would like to display to you, if you please, a photostatic reproduction of an article entitled "New Peace Petition Song at 'One World' Hootenanny."

Put my name down, brother.

Where do I sign?

I'm gonna join the fight for peace,

Right down the line.

Ashes to ashes, dust to dust,
If you don't sign up, the world goes bust,
So I'm gonna put my name down.

At the end of the article it states that reserved seats for performances are available at the Workers' Bookshop, the Jefferson Bookshop, and at People's Artists.

Kindly look at this article which Mr. Appell will now display to you and tell us whether or not you authored that particular song and lent your talents as a musician, song writer, and entertainer to that enterprise.

Mr. SILBER. I find it hard to believe that you are interested in my songwriting abilities.

Mr. ARENS. You know we are not interested in that. Do not pervert the issues. We are interested in whether you, as a Communist, used your talents on behalf of the Communist conspiracy in the United States and its front groups. We know—and those who have investigated it know—that the Communists have been promoting front groups. We have identified, on the basis of testimony under oath, 600 organizations functioning in the United States today.

Kindly answer the question. Did you author that song and did you author that song as part of deliberate activities to promote Communist peace-drive activities in the United States?

Mr. SILBER. Mr. Chairman, it seems to me that there are so many assumptions in this question that even if I were willing to answer the question in terms of fact, they are controversial areas.

Mr. ARENS. Did you author the song?

Mr. SILBER. Yes, I did.

Mr. ARENS. Did you author it in connection with a Communist enterprise?

(The witness conferred with his counsel.)

Mr. SILBER. Once you make that political characterization of the enterprise, I do not see how I can answer it. I assure you when I wrote this song I believed it, and at nobody's behest. I wrote it because I thought it was worthwhile.

Mr. ARENS. Did you intend for it to be used in a Communist enterprise and only for a Communist cause?

Mr. SILBER. When you say "Communist enterprise" and "Communist cause," you not only assume something which may not be proper but you enter the area of political belief and association.

Mr. ARENS. I respectfully suggest, Mr. Chairman, that the witness be ordered and directed to answer the question.

Mr. MOULDER. The witness is ordered and directed to answer the question.

Mr. SILBER. Such a question invades my political rights. Also, I consider the question irrelevant to any possible legitimate purpose of the Congress and, therefore, I respectfully refuse to answer the question.

Mr. ARENS. Did you receive compensation for writing that song?

(The witness conferred with his counsel.)

Mr. SILBER. No, sir.

(Document marked "Silber Exhibit No. 1" and retained in committee files.)

Mr. ARENS. Have you been an instructor at the Jefferson School of Social Science?

Mr. SILBER. Yes, sir.

Mr. ARENS. When?

Mr. SILBER. I do not remember. It was for such a period of time, I would say 6 or 7 years ago.

Mr. ARENS. What did you instruct?

Mr. SILBER. I gave two classes at the Jefferson School. I conducted a course in American folk music and I gave a course in techniques of square dance calling.

Mr. ARENS. Did you receive compensation for that service?

Mr. SILBER. I don't remember; probably not.

Mr. ARENS. Did you know at the time that you were instructing in an organization which was controlled by the Communist Party?

Mr. SILBER. No, I don't. I never knew that and I still don't.

Mr. ARENS. Were you a Communist while you were instructing at the Jefferson School?

Mr. SILBER. Sir, we keep getting back to the same question, and the basis for my refusal to answer remains the same. I cannot answer that question and I assure you in all honesty that my refusal does not necessarily mean that if I were free to answer, that it would be yes or no.

Mr. ARENS. I put it to you as a fact, sir, based upon investigative reports of this committee that you were a Communist while you were instructing at the Jefferson School of Social Science.

If that is not true, deny it while you are under oath.

Mr. SILBER. The answer to that question is the same answer I would give you if you asked me if I am a member of the Democratic Party or Republican Party.

Mr. ARENS. You are not suggesting that the Democratic or Republican Party is controlled by a conspiracy of Moscow, are you?

Mr. SILBER. I am not making any such suggestion about anybody.

Mr. ARENS. Have you, over the course of the last 10 years, been actively engaged in using your talents in the music, songwriting field and in the instructing field for the purpose of promoting Communist causes and enterprises in the United States?

Mr. SILBER. Again, there are a number of assumptions in the question and while I certainly think it is clear to the committee that I have no objection to discussing the work and the activities that I have engaged in, once you throw in the term "Communist propaganda" as an assumption for my activity, there is no possible way.

Mr. SCHERER. Is he wrong in throwing it in?

Mr. SILBER. He is wrong because he has no right to.

Mr. SCHERER. Is that assumption correct?

Mr. SILBER. I can neither affirm nor deny it because it is an improper question.

Mr. SCHERER. Assuming he is right, what would your answer be?

Mr. SILBER. If I answered the question and even if my answer were "No," it would give legitimacy to the question and I cannot do it.

Mr. SCHERER. I suggest, Mr. Chairman, that the witness be ordered and directed to answer the question.

Mr. MOULDER. That is not sufficient reason. You are directed to answer the question.

Mr. SILBER. I decline to answer in connection with all questions concerning political beliefs and associations.

Mr. ARENS. Does the record reflect that I asked you about present membership in the Communist Party?

Mr. SILBER. I believe so.

Mr. ARENS. Mr. Chairman, as in other instances, I could go into a vast number of particular instances, all of which I have tried to summarize here in this one general question to the witness which has elicited no substantial information; therefore, I respectfully suggest that we conclude the staff interrogation of this witness.

Mr. MOULDER. Based upon your reasons for refusing to answer, do you have any information or knowledge concerning subversive activities within the Communist Party which would not tend to incriminate you or subject you to criminal prosecution?

Mr. SILBER. Sir, I have no knowledge of any activity in any political party that would subject me to possible criminal prosecution.

Mr. MOULDER. Then, do you have any information or knowledge concerning any subversive activities within the Communist Party?

Mr. SILBER. I would not like to engage in a debate, sir; but the term "subversive" is so general, it might mean a different thing to you than it would mean to me.

Mr. MOULDER. I think the meaning of that word is very clear.

Mr. SILBER. By "subversive" do you mean that which is opposed to our form of government and expects to change it illegally?

Mr. MOULDER. Yes.

Mr. SILBER. As I said, I know of nothing, criminal or illegal in my own past or in the past of others, that I could possibly testify about. I have no knowledge of any illegal activity.

Mr. MOULDER. That is, what you consider illegal?

Mr. SILBER. That is, to the best of my knowledge, naturally.

Mr. MOULDER. In the event our country should become involved in war, conflict of war, with the Soviet Union, would you be loyal to your country and offer to serve it and be willing to serve in a conflict with that country?

Mr. SILBER. Yes, sir, I would.

May I ask the proper procedure? I have prepared here a statement to give to the press. Is it legitimate for me to give it to the press?

Mr. ARENS. Before you do so, I would like to ask one question: You recognize that you are under oath now. You recognize, also, that when I ask you the question: Are you now a member of the Communist Party, that if you make a misstatement of a material fact you can be subject to perjury, do you not?

(The witness conferred with his counsel.)

Mr. SILBER. My lawyer advises me that it depends on the materiality of the question.

Mr. ARENS. You recognize, too, that when you hand a document to the press, that document is not under oath and you cannot be subject to perjury prosecution? I have not seen your statement. I want to be sure you recognize it.

Since we are on this issue, do you intend in the near future to tell the people around this community that you are not a Communist, that "I was not going to tell the witch-hunting, red-baiting——"

Mr. SILBER. The characterization is yours.

Mr. ARENS. Do you intend to do that?

Mr. SILBER. This committee has no right to ask me my politics. I have the right to discuss my politics with anyone I choose. It can be with the press or with individuals, but I cannot be compelled to discuss my politics.

Mr. MOULDER. Do you consider the Communist Party a political party?

Mr. SILBER. Obviously, I do.

Mr. SCHERER. In the statement that you are going to give to the press, do you say anything about your membership in the Communist Party?

Mr. SILBER. I do not think it is proper for this committee to inquire into the contents of my statement to the press.

Mr. SCHERER. Do you really believe that?

Mr. SILBER. Yes.

Mr. SCHERER. Will you say now under oath that the statement you are going to give to the press is true?

Mr. SILBER. Yes, sir.

(The statement referred to follows:)

STATEMENT BY IRWIN SILBER

In testimony before the House Committee on Un-American Activities today, I have declined to answer questions concerning political beliefs and associations. I have taken this position in the belief that the defense of our Constitution and the institutions of American democracy is the responsibility of every citizen, and that the provisions of the first amendment to our Constitution specifically enjoin Congress from legislating in the domain of free speech, press, and assembly.

I believe that no committee of Congress has the right to conduct an inquiry into the political beliefs and associations of any individual, and that to answer such unconstitutional questions would make me a party to the violation of basic American liberties.

I state this as a matter of deep political principle and, despite the fact that I am not a member of the Communist Party, I believe that every American has the right to belong to the political organization of his choice, including the Communist Party.

I have refused to answer the questions cited above, believing that eternal vigilance for the rights of the individual is the price which every citizen must pay for his own liberty.

Mr. MOULDER. Are there any other questions?

The witness is excused.

The committee will recess for a period of 5 minutes.

(Brief recess.)

Mr. MOULDER. The committee will be in order, please.

Mr. ARENS. Mr. Chairman, there were two other witnesses who were scheduled to be here this afternoon.

First was Mr. Curt Conway. On May 16, 1958, he was ordered by telegram to appear, under continuing authority of a subpoena, on June 18, 1958.

Mr. Conway has failed to appear during the course of these proceedings or by any device to notify the committee or its staff of his inability to appear.

The next witness to be heard was Mr. Leo Shull. His counsel has informally advised us that Mr. Shull, although he was here in the courtroom a day or so ago, is not now available.

Mr. GITLIN. My name is Leo Gitlin, 565 Fifth Avenue.

Mr. Shull was here Tuesday and Wednesday, both days, and he is suffering from anemia which apparently causes him exhaustion and the doctor put him to bed. I told him I wanted him here, but he said he could not be here.

Mr. ARENS. It is the recommendation of the staff, Mr. Chairman, that the subpoena under which Mr. Shull was to appear, be continued by the chairman, subject to his appearance on arrangements by counsel and myself.

Mr. MOULDER. Without objection, it is so ordered.

Mr. GITLIN. Thank you very much.

Mr. ARENS. Under those circumstances, we have no further witnesses to be heard this afternoon.

Mr. MOULDER. In concluding the hearings here, the Chair desires to make a statement on which both members of the subcommittee have concurred with me in its preparation.

In concluding the hearings, I should like to make a few brief observations.

In the first place, may I say that these hearings have been only a sampling of a cross section of Communist activity in the entertainment field. It has not been our objective to hear all available witnesses or to conduct a searching investigation of all leads.

Our work takes us into so many areas of Communist activity and to so many sections of the country that we cannot possibly do more than to develop information or patterns of activity for the purpose of establishing guidelines in our legislative endeavors to keep abreast of the constantly changing tactics of the Communist operations.

Secondly, I should like to note that in these hearings we have developed information which not only confirms factual material which has been developed by the committee elsewhere, but some new information which will be valuable to us in appraising several legislative proposals pending in the committee.

This information includes data on the misuse of passports by Communists; the propaganda uses to which the talents of Communist entertainers are put; the promotions of Communist fronts and Communist causes by actors and other performers who are Communists; and the devices by which one Communist aids and abets another Communist in his assignments, his employment, and his design.

Much of the information has been of necessity developed by indication, but in our investigative processes, we must be realistic and practical in appraising and piecing together bits of information from the testimony of witnesses who have been identified as Communists and who try to give us as little information as possible.

Our task is not an easy one. The Communist operations in the United States today are deeper underground, have a more clever camouflage, and are accordingly more difficult to trace. It is, nevertheless, a greater menace than ever before.

One of the curious aspects of the Communist Party's operation in this country is the fact that it has succeeded in surrounding itself with a protective ring of apologists, sympathizers, and dupes who, though not themselves Communists, do the bidding of the party.

We shall take back to Washington the transcript of the proceedings here and, at the earliest opportunity, go over the material with our colleagues on the committee.

It is a source of satisfaction to those of us who serve on the committee, that the principal security legislation of our Nation has been the direct result of the work of this committee, but our legislative activity in this field must continue as long as the menace of communism exists.

I wish now to thank all who have cooperated with the committee during our hearings, including the Federal judge whose courtroom has been made available to us, the United States marshal, his deputies, the superintendent of this building, and the representatives of the press in their work of keeping the public informed of the proceedings of this committee.

Governor Tuck, do you have any additional statement?

Mr. TUCK. I have nothing else to say.

Mr. MOULDER. Congressman Scherer?

Mr. SCHERER. Mr. Chairman, I have no statement to make, but I would like to offer in evidence the statement referred to by Irwin Silber when he was on the stand a few minutes ago and which he distributed to the press immediately following his departure from the stand. I ask that it be made a part of the record immediately following his testimony.

Mr. MOULDER. The document referred to by counsel will be incorporated into the record and included as part of the testimony of the person referred to by Congressman Scherer.

(See p. 2587.)

Mr. SCHERER. I might make this observation in connection with that statement.

Although he refused to tell this committee whether he was a member of the Communist Party at the present moment or had ever been in the past, it should be noted that in his statement to the press he merely said, "I am not a member of the Communist Party." He does not say whether he was a member of the Communist Party this morning, yesterday, or last week.

Mr. MOULDER. The committee will be adjourned.

(Whereupon, at 2:30 p. m., Thursday, June 19, 1958, the hearing was adjourned, subject to call of the Chair.)

COMMUNISM IN THE NEW YORK AREA

(Entertainment)

THURSDAY, MAY 8, 1958

UNITED STATES HOUSE OF REPRESENTATIVES,
SUBCOMMITTEE OF THE
COMMITTEE ON UN-AMERICAN ACTIVITIES,
New York, N. Y.

EXECUTIVE SESSION ¹

A subcommittee of the Committee on Un-American Activities met, pursuant to call, at 10 a. m., in room 129, Federal Courthouse, Foley Square, New York, N. Y., Hon. Morgan M. Moulder, chairman of the subcommittee, presiding.

* * * * *
(The morning session was concluded at 12:05 p. m., whereupon a recess was taken until 1:15 p. m. the same day.)

AFTERNOON SESSION

Committee members present: Representatives Bernard W. Kearney, of New York, presiding, and Gordon H. Scherer, of Ohio.

Staff members present: Richard Arens, staff director, and Dolores Scotti, investigator.

Mr. KEARNEY. The subcommittee will be in order.

* * * * *
Mr. ARENS. Louis Solomon.

Kindly raise your right hand and be sworn.

Mr. KEARNEY. Do you swear that the testimony you are about to give will be the truth, the whole truth, and nothing but the truth, so help you God?

Mr. SOLOMON. I do.

TESTIMONY OF LOUIS SOLOMON, ACCOMPANIED BY COUNSEL,
LEONARD B. BOUDIN

Mr. ARENS. Have a seat, please, sir, and kindly identify yourself by name, residence, and occupation.

Mr. SOLOMON. My name is Louis Solomon; I live at 226 West 70th Street. My occupation is that of a free lance writer.

Mr. ARENS. Would you spell that name, please?

Mr. SOLOMON. Solomon is S-o-l-o-m-o-n.

(The witness conferred with his counsel.)

Mr. ARENS. I asked him how he spelled the name.

¹ Released by the committee and ordered to be printed.

Mr. BOUDIN. I thought he had responded. It is S-o-l-o-m-o-n.

Mr. ARENS. I am a little uncertain here. Are you also Louis Salaman?

Mr. SOLOMON. Mr. Arens, I shall decline to answer.

Mr. ARENS. Raise your voice, please.

Mr. SOLOMON. I shall decline to answer that.

My voice is generally very loud so I have been cautioned to keep it down. I shall decline, Mr. Arens, to answer that question on the grounds that, according to my understanding of the rulings made by the highest court in the land, the question that the committee raises is not pertinent; that I question whether it is within the committee's jurisdiction; and on the grounds of the first amendment to the Constitution, sir, and the fifth amendment.

Mr. ARENS. Are you now, this minute, a member of the Communist Party?

Mr. SOLOMON. I am not, sir.

Mr. ARENS. Have you ever been a member of the Communist Party?

Mr. SOLOMON. Sir, on the grounds that I stated previously, I shall, with all due respect to the Congress of the United States, decline to answer this question.

Mr. ARENS. Have you been a member of the Communist Party any time in the course of the last year?

Mr. SOLOMON. Sir, I think that is the same question.

Mr. ARENS. No, it is not. A year is not quite as long as forever. Have you been a member of the Communist Party any time in the course of the last year?

Mr. SOLOMON. My understanding of that, sir, is that essentially this is the same question.

Mr. ARENS. Have you been a member of the Communist Party any time in the course of the last month?

(The witness conferred with his counsel.)

Mr. SOLOMON. Will you forgive me a moment?

(The witness conferred with his counsel.)

Mr. SOLOMON. Mr. Arens, sir, once again I shall, on the same grounds, decline to answer that question.

Mr. ARENS. Were you a member of the Communist Party yesterday?

Mr. SOLOMON. Of course not, Mr. Arens; but this is the same question, and I am refusing to answer any questions, declining respectfully, may I say, since I respect the Congress of the United States.

Mr. ARENS. You said "of course not" yesterday. That is on this record under oath.

Were you a member of the Communist Party at any time during the past week?

Mr. SOLOMON. Mr. Arens, I respect my oath and I have sworn to tell the truth and I shall continue to do that.

Mr. ARENS. Will you tell us whether or not you were a member of the Communist Party during the course of the last week?

Mr. SOLOMON. Mr. Arens, I shall refuse to answer that question on the same grounds as previously stated.

Mr. ARENS. Are you presently under Communist Party discipline?

Mr. SOLOMON. Mr. Arens, I don't understand that question actually; but if you are asking me am I now a member of the Communist Party, I am not, sir, and I explained that to you, I think.

Mr. ARENS. Where are you employed?

Mr. SOLOMON. At the moment I am not employed at all.

Mr. ARENS. Where were you last employed?

Mr. SOLOMON. Mr. Arens, I shall decline to answer that question on the grounds previously stated.

Mr. ARENS. Mr. Chairman, I respectfully request that the witness be ordered and directed to answer that question.

Mr. KEARNEY. The witness is directed to answer the counsel's question, but your name rings a bell. Have you been connected with the production of Wide Wide World?

Mr. SOLOMON. I shall, I am sorry, sir, decline to answer that question.

Mr. KEARNEY. Do you consider that being connected with the production of Wide, Wide World would, by any stretch of the imagination, consist of testimony against yourself?

Mr. SOLOMON. Sir, I may not have made myself clear. I tried to be a law-abiding citizen, and my intent in refusing to answer the question is not limited. It has to do with the four grounds that I have previously stated.

Mr. KEARNEY. Are you now connected with the production of Wide, Wide World?

(The witness conferred with his counsel.)

Mr. SOLOMON. As I indicated, I am slightly confused by the question. I am not employed in the production of anything at this point.

Mr. KEARNEY. Are you working with the television program known as Wide, Wide World? Are you employed by that program?

Mr. SOLOMON. I answered that I was not. I am not at this point employed.

Mr. ARENS. Have you been employed by that program?

Mr. SOLOMON. I have, sir, declined to answer that question.

Mr. KEARNEY. Mr. Counsel, if you have no further questions, I will direct the witness to step aside, and continue the subpoena that he is under for a public hearing the week of June 15.

(Whereupon, at 3 p. m., Thursday, May 8, 1958, the subcommittee recessed.)

COMMUNISM IN THE NEW YORK AREA

(Entertainment)

MONDAY, APRIL 1, 1957

UNITED STATES HOUSE OF REPRESENTATIVES,
SUBCOMMITTEE OF THE
COMMITTEE ON UN-AMERICAN ACTIVITIES,
Washington, D. C.

EXECUTIVE SESSION ¹

A subcommittee of the Committee on Un-American Activities met, pursuant to call, at 10:10 a. m., in room 226, Old House Office Building, Hon. Clyde Doyle presiding.

Committee members present: Representatives Clyde Doyle of California, and Gordon H. Scherer, of Ohio.

Staff members present: Richard Arens, staff director, and Donald T. Appell, investigator.

Mr. ARENS. Will you stand while the chairman administers an oath to you?

Miss GRANT. Yes.

Mr. DOYLE. Do you solemnly swear to tell the truth, the whole truth, and nothing but the truth, so help you God?

Miss GRANT. I do.

Mr. DOYLE. Thank you. Will you be seated by your counsel.

TESTIMONY OF LEE GRANT (MANOFF), ACCOMPANIED BY COUNSEL, LEONARD B. BOUDIN

Mr. ARENS. Kindly identify yourself by name, residence, and occupation.

Miss GRANT. My name is Lee Grant. My residence is 444 Central Park West, and occupation, actress.

Mr. SCHERER. What is your occupation?

Miss GRANT. Actress.

Mr. ARENS. You are appearing today in response to a subpoena which was served on you by the House Committee on Un-American Activities?

Miss GRANT. Yes.

Mr. ARENS. You are represented by counsel?

Miss GRANT. Yes.

Mr. ARENS. Counsel, will you kindly identify yourself.

Mr. BOUDIN. Leonard B. Boudin, 25 Broad Street, New York 4, N. Y.

¹ Released by the committee and ordered to be printed.

Mr. ARENS. Miss Grant, could you tell us your real name? I take it that Lee Grant is a stage name.

Miss GRANT. Yes.

Mr. ARENS. And your real name, as distinguished from your stage name, is what?

Miss GRANT. I was born Lyova Rosenthal.

Mr. ARENS. And your married name?

Miss GRANT. Lee Grant Manoff.

Mr. ARENS. For the purpose of identification, your husband's name, please?

Miss GRANT. Arnold.

Mr. ARENS. Where were you born? Also, when?

Miss GRANT. New York City, October 31, 1926.

Mr. ARENS. Just a word, please, about your education; just a thumbnail sketch of your education.

Miss GRANT. Oh, high school and Julliard for a year, and that is all except for dramatic schools, the Neighborhood Playhouse, and so on.

Mr. ARENS. I did not get that.

Miss GRANT. High school and Julliard for a year, and that is all except for dramatic schools, the Neighborhood Playhouse, and so on.

Mr. ARENS. What engagements have you undertaken, or been involved in, in the course of the last few years as an actress? Give us the principal productions which you have been connected with in the last few years.

Miss GRANT. Hole in the Head.

Mr. ARENS. Give us a word of identification about this.

Miss GRANT. I am in it now.

Mr. ARENS. Where is it and what is it?

Miss GRANT. It is a play on Broadway. Then the last one was Wedding Breakfast, a play on Broadway. Then Lo and Behold, playing on Broadway; Arms and the Man, on Broadway; and Detective Story, playing on Broadway and the picture; and that is the last 3 years.

Mr. ARENS. Have you been engaged in the last few years in a play called Danger?

Miss GRANT. It is a television show.

Mr. ARENS. Can you tell us a few of the television engagements in which you have performed in the last few years?

Miss GRANT. In the last few years, there aren't very many television shows. I did about 2 years ago a Philco, and more recently I did a Pontiac, show. I can't remember all this.

Mr. ARENS. You don't remember the names?

Miss GRANT. Playwrights 1956, that was one, and another was Alcoa—oh, Alcoa and previous to that in the last 3 or 4 years, I didn't do any television.

Mr. ARENS. Are you now, or have you ever been, a member of the Communist Party?

Miss GRANT. I am not a member of the Communist Party.

Mr. ARENS. Have you ever been a member of the Communist Party?

Miss GRANT. I refuse on the grounds of the fifth amendment.

Mr. ARENS. Were you a member of the Communist Party 1 year ago?

Miss GRANT. I refuse to answer on the grounds of the fifth amendment.

Mr. ARENS. Were you a member of the Communist Party at any time since you were served with your subpoena to appear before this committee?

Miss GRANT. I refuse to answer on the grounds of the fifth amendment.

Mr. ARENS. Do you know a person by the name of Morris Carnovsky?

Miss GRANT. Do I know such a person?

Mr. ARENS. Yes.

Miss GRANT. Yes, I do.

Mr. ARENS. Do you know whether or not Morris Carnovsky is a member of the Communist Party?

Miss GRANT. No. I do not.

Mr. ARENS. Do you know a person by the name of Alan Manson?

Miss GRANT. Yes.

Mr. ARENS. Do you know whether or not that person is a member of the Communist Party?

Miss GRANT. No. I do not.

Mr. ARENS. Do you know a person by the name of Lou Polan?

Miss GRANT. Yes.

Mr. ARENS. Do you know whether or not that person is a member of the Communist Party?

Miss GRANT. No. I do not.

Mr. ARENS. Do you know a person by the name of John Randolph?

Miss GRANT. Yes, I do.

Mr. ARENS. Do you know whether or not he is a member of the Communist Party?

Miss GRANT. I do not.

Mr. ARENS. Or whether or not he has ever been a member of the Communist Party. Let me put it that way.

Miss GRANT. That is in relation to my past. I refuse to answer that.

Mr. SCHERER. What was the question?

Mr. ARENS. It was with respect to her past. I should like to ask you for the record—I should have been asking you—whether you knew if these persons mentioned had ever been members of the Communist Party.

Mr. BOUDIN. Do you want to make it short?

Mr. ARENS. Yes.

Mr. BOUDIN. The witness would have pleaded her privilege with respect to her past, with respect to all the prior people.

Mr. ARENS. That is fine. Do you know a person named Elliott Sullivan?

Miss GRANT. Yes, I do.

Mr. ARENS. Do you know whether Elliott Sullivan has ever been a member of the Communist Party?

Miss GRANT. This is information that relates to my past, and I must invoke my privilege under the Constitution.

Mr. ARENS. Has your present employment been procured for you by a person known to you, at any time, to be a member of the Communist Party?

Miss GRANT. Would you repeat that?

Mr. ARENS. Yes. Has your present employment been procured for you by a person known to you, at any time, to be a member of the Communist Party?

Miss GRANT. My present employment?

Mr. ARENS. Yes, has it been procured, or facilitated in the procurement, by any person known to you to have been a member of the Communist Party?

Miss GRANT. You mean an agent?

Mr. ARENS. Yes. Where are you presently employed?

Miss GRANT. Where am I?

Mr. ARENS. Yes, ma'am.

Miss GRANT. I am employed in a play called Hole in the Head.

Mr. ARENS. Was that employment procured for you, or was the procurement facilitated for you, by any person known by you to be a Communist or at any time a Communist?

Miss GRANT. No.

Mr. ARENS. Was your employment in the production Danger procured for you by any person who, at any time, was known to you to have been a Communist?

Mr. BOUDIN. Could I have a word with the witness? Will you excuse me a second, Mr. Congressman?

Mr. DOYLE. Yes.

(Counsel conferred with the witness.)

Mr. BOUDIN. The answer with respect to that, and generally, would have been the same, namely, that Miss Grant got the job through the routine way and is not prepared to say who were and who were not members of the Communist Party.

Mr. ARENS. Danger was a series of productions, was it not, or was it a single production?

Miss GRANT. Yes.

Mr. ARENS. Danger.

Miss GRANT. You want to know what Danger is?

Mr. ARENS. Yes, ma'am.

Miss GRANT. Do I answer this? You don't know the nature of the television show?

Mr. ARENS. No, I don't. At least this record doesn't reflect it.

Miss GRANT. Danger is like any other of the television shows that appears from week to week on a certain day.

Mr. ARENS. It is a serial?

Miss GRANT. No, it is not a serial. It is a series, like Alcoa.

Mr. ARENS. It is a series then?

Miss GRANT. Yes.

Mr. ARENS. Which ran for how long?

Mr. SCHERER. Who was it that played in that? I have forgotten.

Miss GRANT. There was no lead in Danger.

Mr. SCHERER. A different cast?

Miss GRANT. A new show every week like all these shows, Alcoa or Montgomery or Philco.

Mr. SCHERER. Didn't you yourself play it regularly?

Miss GRANT. No.

Mr. ARENS. Were you in just one show?

Miss GRANT. No.

Mr. ARENS. Did you participate in more than one show?

Miss GRANT. Yes.

Mr. ARENS. There were other actors and actresses who appeared in it more than once?

Miss GRANT. Yes. You see in all these shows, such as Mr. Montgomery, for instance, likes an actor, and he finds in a certain particular play he played a father best, and another play he does the boy best, so then he will hire him once every 6 months, you know.

Mr. ARENS. But Mr. Montgomery didn't have anything to do with this series entitled "Danger"?

Miss GRANT. No, I am giving you a going example.

Mr. ARENS. I just wanted the record to be clear that Mr. Montgomery had nothing to do with the series.

Miss GRANT. I see.

Mr. ARENS. Who engaged you for your performance in Danger?

Miss GRANT. I want to ask my counsel something.

Mr. ARENS. Any time you have any doubt, go ahead and confer with Mr. Boudin.

(The witness confers with her counsel.)

Mr. BOUDIN. Could we have the question repeated, Mr. Arens?

Mr. ARENS. Yes.

(Thereupon, the reporter read the pending question.)

Mr. BOUDIN. Now, could I have a moment with the witness again?

Mr. DOYLE. Yes.

(Counsel and the witness again confer.)

Miss GRANT. I decline to answer on the grounds of the fifth amendment.

Mr. ARENS. Do you honestly feel, Miss Grant, that if you told this committee truthfully, while you are under oath, who engaged you for your performances in the production Danger, you would be supplying information which might be used against you in a criminal proceeding?

Miss GRANT. I don't want to take the chance. It might.

Mr. ARENS. Were you at any time in the course of the last 3 years interviewed by Mr. John Cogley or any member of his staff with respect to so-called blacklisting?

Mr. BOUDIN. Could I have a moment with the witness, please?

Mr. ARENS. Yes.

(Counsel confers with the witness.)

Miss GRANT. I refuse to answer the question on the grounds of the fifth amendment.

Mr. BOUDIN. Could it be understood that when the witness says she refuses to answer for the same reason, it is understood that she is invoking the fifth amendment?

Mr. ARENS. For this hearing, but not in general.

Do you honestly feel that if you told us here you had been interviewed in the last 3 years or so by a person representing Mr. John Cogley or Mr. John Cogley on the subject of blacklisting, you would be supplying information which might be used against you in a criminal proceeding?

Miss GRANT. It might.

Mr. ARENS. Do you know a person by the name of Sidney Lumet?

Miss GRANT. Yes.

Mr. ARENS. Did he have anything to do with your appearances in Danger?

Miss GRANT. I refuse to answer that question on the grounds of the fifth amendment.

Mr. ARENS. Do you know whether or not Sidney Lumet has ever been a member of the Communist Party?

Miss GRANT. I refuse to answer that question on the grounds of the fifth amendment.

Mr. ARENS. Are you presently under Communist Party discipline?

Miss GRANT. I am not a member of the Communist Party.

Mr. ARENS. Are you presently under Communist Party discipline?

Miss GRANT. I am not.

Mr. ARENS. Were you under Communist Party discipline at any time since you received your subpoena to appear before this committee?

Miss GRANT. I refuse to answer that question on the grounds of the fifth amendment.

Mr. ARENS. Miss Grant, what knowledge do you possess of an organization known as Stage for Action? Is there, or has there been, such an organization known as Stage for Action?

Miss GRANT. I refuse to answer that question on the grounds of the fifth amendment.

Mr. ARENS. Have you been connected with an organization known as Stage for Action?

Miss GRANT. I refuse to answer that question on the grounds of the fifth amendment.

Mr. ARENS. Have you ever been connected with an organization known as People's Songs?

Miss GRANT. I refuse to answer that question on the grounds of the fifth amendment.

Mr. ARENS. Do you know a person by the name of J. Edward Bromberg?

Miss GRANT. Mr. Bromberg is dead.

Mr. ARENS. Did you know a person by that name?

Miss GRANT. Yes.

Mr. ARENS. What was the nature of your association with Mr. Bromberg?

Miss GRANT. I worked with him.

Mr. ARENS. Did you attend a session back in 1951 protesting activities by the Committee on Un-American Activities with reference to J. Edward Bromberg?

Miss GRANT. I refuse to answer that question on the grounds of the fifth amendment.

Mr. ARENS. Did you make a speech on the subject of the Un-American Activities Committee's investigation of J. Edward Bromberg in New York City at the Hotel Diplomat back in 1951?

Miss GRANT. I refuse to answer that question on the grounds of the fifth amendment.

Mr. ARENS. Have you, in the course of your professional career, let's say in the last few years, ever signed any statements for an employer or prospective employer covering the subject matter of membership in the Communist Party?

Miss GRANT. I refuse to answer that question on the grounds of the fifth amendment.

Mr. ARENS. Have you ever signed a so-called loyalty oath as a prerequisite to obtaining employment?

Miss GRANT. Same answer.

Mr. ARENS. Mr. Chairman, I respectfully suggest that would conclude the staff interrogation of this witness.

Mr. DOYLE. Do you have any questions?

Mr. SCHERER. No.

Mr. DOYLE. The committee is adjourned.

(Thereupon, at 10 a. m., Monday, April 1, 1957, the committee stood adjourned, subject to the call of the Chair.)

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